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Regulations

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50747]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

BUFFALO LAUNCH CLUB SEAPLANE BASE

OCTOBER 19, 1942.

Buffalo Launch Club Seaplane Base, Buffalo, New York, redesignated as an airport of entry for a period of one year.¹

The Buffalo Launch Club Seaplane Base, Buffalo, New York, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from October 16, 1942.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-10598; Filed, October 20, 1942; 3:22 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter Q—Leases and Permits on Restricted Indian Lands

PART 177—AGRICULTURAL AND GRAZING LEASES, OSAGE INDIANS, OKLAHOMA

LEASING FEES

Section 177.15 is hereby added:

§ 177.15 *Fees.* When Indian land is leased (either by formal lease or revocable permit), subleased, or assigned (including renewals or extensions), for farming, grazing, farm-pasture, or business purposes, fees shall be fixed as follows:

¹ This document affects the tabulation in 19 CFR 4.13.

Total Rental (To be paid by lessee, permittee, sublessee, or assignee):

	Fee
Not to exceed \$100.00.....	\$1.00
\$100.01-\$250.00.....	2.50
\$250.01-\$500.00.....	5.00
For each additional \$500 or fraction thereof.....	1.00

When, under the terms of the instrument, the occupant is to pay taxes accruing during the period, an amount equal to the estimated total amount of the taxes shall be included in the amount to be used in determining the fee to be charged. In the case of a sublease, subpermit, or assignment, the fee shall be based on the total amount yet to accrue under the instrument from the effective date of the transaction. When the lease or permit period is extended with the mutual consent of the parties concerned or the instrument provides for the extension of the lease period at the option of the occupant, and such an extension is made, then the fee shall be computed from the effective date on the same basis as the original instrument. The fee to be collected in case of crop-share or other non-cash rental leases or permits shall be based on (a) an estimate of the cash rental value of the acreage or (b) the estimated value of the lessors' share of the crops. (Sec. 1, 41 Stat. 415, 47 Stat. 1417; 25 U.S.C. 413)

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
OCTOBER 5, 1942.

[F. R. Doc. 42-10609; Filed, October 21, 1942; 11:06 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5172]

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

INCOME TAX; AMENDMENTS

PARAGRAPH 1. Article 27 (f)–1 of Regulations 94 (§ 3.27 (f)–1, Title 26, Code of Federal Regulations) is amended as follows:

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(A) By changing the second sentence of the first paragraph of paragraph (a) to read as follows:

§ 3.27 (f)-1 *Dividends paid credit for distributions in liquidation—(a) Distri-*

butions which diminish earnings or profits. * * * Thus, a distribution either in complete or partial liquidation of a corporation is treated by the Act as one constituting in part a distribution of, and being properly chargeable to, earnings or profits if:

(1) Under the provisions of section 115 (c), the amounts distributed in liquidation are treated as received in payment in exchange for the stock; and either

(2) The gain or loss, if any, from such exchange is recognized under the provisions of section 112; or

(3) The distribution within the provisions of section 112 (b) (6) is made in money or property other than stock or securities of such corporation or of another corporation, within the meaning of section 115 (h).

(B) By changing the last sentence of the last paragraph of paragraph (a) to read as follows:

* * * Except as otherwise provided in this subsection, no dividends paid credit is allowable with respect to such transactions.

(C) By changing the first sentence of paragraph (c) to read as follows:

(c) *Credit in respect of earnings or profits transferred under certain tax-free transactions.* If, as a result of one or more transactions described in section 112 for which no dividends paid credit is allowed, a corporation's earnings or profits accumulated after February 28, 1913, and its undistributed earnings or profits of the taxable year, shall have become the earnings or profits of another corporation subject to distribution as dividends by such other corporation, any dividend paid by the transferee corporation during that portion of the transferor's taxable year subsequent to the consummation of such tax-free transaction may, subject to the provisions of section 115, be apportioned and allocated to the transferor as a distribution out of such earnings or profits of the transferor.

(D) By changing the second sentence of the example in paragraph (c) to read as follows:

Example. * * * On December 1, 1936 the S Corporation, which keeps its books and makes its returns on the calendar year basis, had assets consisting solely of stock and securities in another corporation and on that date was completely liquidated in accordance with the provisions of section 112 (b) (6).

PAR. 2. Article 27 (h)-1 of Regulations 94 (§ 3.27 (h)-1, Title 26, Code of Federal Regulations) is amended by changing the second paragraph to read as follows:

§ 3.27 (h)-1 *Non-taxable distributions.* * * *

The effect of paragraphs (g) and (h) of section 27 is that no dividends paid credit is allowed with respect to any distribution (not including a distribution within the provisions of section 112 (b) (6) of money or property other than stock or securities as used in section 115 (h)) unless each of the shareholders of that class, who are subject to taxation under Title I for the period in which the

distribution is made, receives a taxable dividend as a result of the distribution.

(This Treasury decision is issued under the authority contained in section 62 of the Revenue Act of 1936 (49 Stat. 1673, 26 U.S.C., Sup., 62), and interprets section 27 (f), and (h) of the Revenue Act of 1936 (49 Stat. 1667, 26 U.S.C., Sup., 27 (f) and (h)).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 20, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-10596; Filed, October 20, 1942;
4:22 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

PART 326—MINIMUM PRICE SCHEDULE, DISTRICT No. 6

[Docket No. A-1667]

ORDER GRANTING TEMPORARY RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 6 for a change in the price classifications and minimum prices for the coals of Mine Index Numbers 208 and 194 in District No. 6.

A motion, considered herein as a petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting that the price classification C in Size Group 10 for the coals of Mine Index Nos. 208 and 194 in District No. 6 be deleted from the Schedules of Effective Minimum Prices for District No. 6 for All Shipments Except Truck; and

The motion stating that said price classification was recommended in error by District Board No. 6 in its original petition filed in Docket No. A-1378, since said Mine Index Nos. 208 and 194 produce coal by the deep mining method and since Size Group 10 classifications and prices are for substandard quality coal produced at mines by the stripping method; and

Price Classification C for Mine Index Nos. 208 and 194 in District No. 6 for All Shipments Except Truck, River, and Ex-River having been established by an order issued April 20, 1942, 7 F.R. 3511, in Docket No. A-1378, granting temporary relief and conditionally providing that such relief become final in sixty (60) days; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition in the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 326.5 *Alphabetical list of code members in the Schedules of Effective Minimum Prices for District No. 6 for All Shipments Except Truck and Supplement R-I* attached to the order of April 20, 1942, 7 F.R. 6943, in Doccket No. A-1378 are amended by deleting the Price Classification C in Size Group 10 for Mine Index Nos. 203 and 194 for All Shipments Except Truck, River, and Ex-River.

It is further ordered, That pleadings in opposition to the motion in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: October 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10618; Filed, October 21, 1942;
11:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 131]

NOTICE OF DELINQUENCY

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 281, entitled "Notice of Delinquency," effective immediately upon the filing hereof with the Division of the Federal Register.¹ The supply of forms on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 1, 1942.

[F. R. Doc. 42-10590; Filed, October 20, 1942;
2:16 p. m.]

¹ Filed as part of the original document.

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LIII]

PART 804—INDIVIDUAL LICENSES

APPLICATIONS FOR LICENSES

Paragraph (c) of § 804.2 *Applications for licenses*¹ is hereby amended to read as follows:

(c) A separate and complete application must be submitted for each commodity to each consignee in each country of destination, except that a single application may be filed covering any number of commodities classifiable under the Department of Commerce Schedule B numbers listed in one of the following numbered groups where all such commodities included in a single application are destined for a single consignee in a single country of destination:

Group:	Department of Commerce schedule B nos.
1.....	0010, 0012, 0013, 0016, 0019
2.....	0020 thru 0035 and 0040 thru 0045
3.....	0036.15 thru 0039
4.....	0046, 0047, 0049
5.....	0050 thru 0059
6.....	0060 thru 0069
7.....	0070 thru 0079 and 0090
8.....	0084 thru 0088
9.....	0092 thru 0099
10.....	0201 thru 0250.98
11.....	0300 thru 0359
12.....	0645.1 thru 0659
13.....	0600 and 0672 thru 0699
14.....	0711 thru 0759
15.....	0809.01 thru 0858.98
16.....	0900 thru 0909
17.....	0923 thru 0999.98
18.....	1011 thru 1099
19.....	1101 thru 1199
20.....	1201.1 thru 1224
21.....	1241 thru 1249
22.....	1250 thru 1259
23.....	1302 thru 1319.9
24.....	1321 thru 1330
25.....	1332 thru 1350
26.....	1374 thru 1379
27.....	1420 thru 1449.98
28.....	1502 thru 1521
29.....	1629, 1642, 1643, 1644, 1647
30.....	1634, 1635, 1637
31.....	1701 thru 1750
32.....	1761, 1766, 1780
33.....	1772 thru 1779
34.....	2016, 2017, 2038, 2094
35.....	2043, 2031, 2032, 2034, 2036, 2037, 2039, 2045, 2046, 2047, 2048, 2049
36.....	2040, 2042
37.....	2053 thru 2059
38.....	2110 thru 2118
39.....	2210 thru 2220.98 except 2220.20
40.....	2230 thru 2249.98
41.....	2268 thru 2280
42.....	2311 thru 2339
43.....	2401 thru 2468.9
44.....	2535 thru 2599
45.....	2601 thru 2618
46.....	2620 thru 2629
47.....	2811, 2813
48.....	3008 thru 3010.6

¹ 7 F.R. 5010.

Group:	Department of Commerce schedule B nos.
49.....	3011.1 thru 3013.2
50.....	3015 thru 3018
51.....	3020, 3021
52.....	3023, 3025, 3026, 3034, 3062
53.....	3191.1 thru 3196
54.....	3090 thru 3129
55.....	All numbers between 3015 and 3199 except those listed under groups 50 to 54
56.....	3622, 3626, 3628
57.....	3675 thru 3681
58.....	3642 thru 3666 & 3689
59.....	3690.5 thru 3699
60.....	3741 thru 3759
61.....	3720.01 thru 3729.98
62.....	3845 thru 3849.9
63.....	3852 thru 3857.7
64.....	3858.1 thru 3858.58
65.....	3911 thru 3917
66.....	3942 thru 3958
67.....	3988 thru 3990
68.....	4001 thru 4009
69.....	4012 thru 4019.98
70.....	4026 thru 4029
71.....	4060 thru 4069.98 and 4100 thru 4116
72.....	4080, 4085, 4156, 4159
73.....	4117 thru 4139
74.....	4140 thru 4149
75.....	4201.1 thru 4209.5
76.....	4215, 4216
77.....	4222 thru 4239
78.....	4242 thru 4248
79.....	4260 thru 4288
80.....	4291, 4292
81.....	4302 thru 4309.98
82.....	4690, 4691
83.....	4699.01 thru 4699.58
84.....	4711, 4714
85.....	4722.03, 4722.05, 4722.98
86.....	4723, 4724
87.....	4725.01 thru 4725.98
88.....	4726, 4728, 4729
89.....	4731 thru 4738
90.....	4760, 4761 and 4793
91.....	4777 thru 4781
92.....	5001 thru 5004
93.....	5033 thru 5039 and 5040.98
94.....	5045, 5046
95.....	5101 thru 5171
96.....	5212 thru 5299 except 5217.5 and 5230.09
97.....	5320 thru 5338
98.....	5361 thru 5368
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102.....	5960.01 thru 5960.08
103.....	6112 thru 6119
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106.....	6139 thru 6152.88 except 6147.05 and 6152.85
107.....	6153, 6156.98
108.....	6157.1, 6159, 6160, 6161, 6162
109.....	6154.43 thru 6156.05
110.....	6158.1, 6158.5, 6163, 6164, 6165, 6168.98, 6169.98, 6170, 6172, 6173, 6177, 6178.1, 6178.98
111.....	6167.43, 6167.98, 6168.43, 6169.43
112.....	6179 thru 6188
113.....	6195.1 thru 6198
114.....	6458 thru 6479.98 except 6479.01 and 6479.05
115.....	7000.05 thru 7009.98
116.....	7010.1, 7010.2
117.....	7013 thru 7018
118.....	7040 thru 7043

Department of Commerce Schedule B nos.	
Group:	
119-----	7068.1 thru 7073.98
120-----	7077.05, 7077.98, 7079.01 thru 7081.98
121-----	7094.15 thru 7098
122-----	7913 thru 7927
123-----	7948.01 thru 7948.98
124-----	8005 thru 8069.98
125-----	8111 thru 8180.98
126-----	8200 thru 8299.9
127-----	8300 thru 8398.98
128-----	8401 thru 8442
129-----	8505 thru 8551.98
130-----	8710 thru 8770
131-----	9000 thru 9006, except 9002.31, 9002.33
132-----	9007 thru 9008.5
133-----	9117.1 thru 9117.6
134-----	9121.2 thru 9124
135-----	9235 thru 9242
136-----	9211 thru 9232, 9245 thru 9297
137-----	9301 thru 9399, except 9322
138-----	9400 thru 9418
139-----	9420 thru 9449
140-----	9510, 9512, 9514, 9516, 9522, 9523, 9553, 9555, 9560, 9563, 9565, 9569.98
141-----	9571 thru 9579
142-----	9621 thru 9626
143-----	9627 thru 9629
144-----	9711 thru 9713
145-----	9791 thru 9794
146-----	9822, 9824, 9826.1
147-----	9828, 9829
148-----	9871, 9872

When an application is filed covering a number of commodities included within one of the above numbered groups, a license may be issued for only some of such commodities and the application rejected as to the others. In such case, the disapproved items will be blocked out before the license is issued.

§ 804.9 *Appeals from rejections of applications* is hereby amended by adding the following new paragraph:

(c) If an application has been filed covering a number of commodities included within one of the groups set forth in paragraph (c) of § 804.2 and a license has been issued for only some of such commodities and the application rejected as to the others, the applicant may appeal as to the rejected items. The procedure for appeal shall be the same as that set forth in paragraph (b) of this section with the following exceptions:

(1) A certified copy of the original application may be submitted instead of a photostat.

(2) The new application shall include only the rejected items.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

Dated: October 17, 1942.

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

[F. R. Doc. 42-10616; Filed, October 21, 1942;
11:35 a. m.]

* 7 F.R. 5013.

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 11]

DISPOSITION OF LIVESTOCK

§ 903.19 *Delegation of authority to the Secretary of Agriculture with respect to the disposition of livestock.* Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9040 of January 24, 1942, and Executive Order No. 9125 of April 7, 1942, and for the purpose of conserving supplies of livestock and securing the efficient distribution and slaughtering thereof in order to effectuate the war effort, *It is hereby ordered, That:*

(a) The Secretary of Agriculture is authorized and directed to perform the functions and exercise the power, authority and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940, (Pub. Law 671, 76th Cong.; 54 Stat. 676), as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.; 55 Stat. 236), and as further amended by the Act of March 27, 1942 (Pub. Law 507, 77th Cong.; 56 Stat. 176), with respect to the exercise of control over the disposition of livestock.

(b) The Secretary of Agriculture, under the authority of this directive, shall establish such controls respecting the sales, movement and disposition of livestock, including and class or grade thereof, as he may deem to be to the best interest of the war effort.

(c) As used in this directive, the term "livestock" means cattle, calves, sheep, and swine.

(d) The Secretary of Agriculture is authorized to require such reports and the keeping of such records, and to make such investigations, as he may deem necessary or appropriate for the administration of the powers conferred herein; and he may issue such regulations, orders, and directives, direct such inspection, and take such measures as he may deem necessary or appropriate for the effectuation of the powers conferred upon him by this directive.

(e) The Secretary of Agriculture may exercise the power, authority and discretion conferred upon him by this directive through such agencies and through such officials of the Government of the United States and in such manner as he may determine; and his decisions shall be final, subject to appeal to the Chairman of the War Production Board.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42-10594; Filed, October 20, 1942;
4:01 p. m.]

Subchapter B—Director General for Operations

PART 1229—ARSENIC

[General Preference Order M-152, as Amended
October 21, 1942]

Section 1229.1 *General Preference Order M-152, as amended*, is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of arsenic for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1229.1 *General Preference Order M-152—(a) Definitions.* For the purposes of this order:

(1) "Arsenic" means arsenious acid, also known as white arsenic and arsenic trioxide, whether in crude (black or gray) or refined form. The term includes any chemical derivative, or chemical compound, of arsenious acid.

(2) "Producer" means any person engaged in the production of arsenic and includes any person who has arsenic produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased, or purchases, arsenic for resale as such.

(b) *Restrictions on delivery and use.*

(1) On and after November 1, 1942, no person shall, subject to the provisions of paragraphs (c) and (d) hereof, use any arsenic, regardless of when acquired, except as heretofore specifically authorized by the Director General for Operations pursuant to application under General Preference Order No. M-152 as in effect prior to this amendment, or as hereafter specifically authorized by the Director General for Operations upon application pursuant to paragraph (f) hereof.

(2) On and after January 1, 1943, no person shall, subject to the provisions of paragraphs (c) and (d) hereof, deliver, or accept delivery of, any arsenic except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (f) hereof.

(3) During the period commencing October 21, 1942, the effective date of this amendment, and ending December 31, 1942, no person shall, subject to the provisions of paragraphs (c) and (d) hereof, deliver, or accept delivery of, arsenic except in accordance with the provisions of General Preference Order No. M-152 as in effect prior to this amendment.

(4) Each person affected by this order shall comply with such directions as may be given from time to time by the Director General for Operations, with respect to the delivery or use of arsenic by any such person.

(c) *Small order exemptions.* The specific authorization provided for in paragraphs (b) (1) and (b) (2) hereof shall not be required with respect to, and the restrictions provided for in paragraph (b) (3) hereof shall not apply to:

(1) Use by any person of 650 pounds or less of arsenic during any calendar quarter in the manufacture or compounding of any medicinal chemical or medicinal preparation, or in research, testing, analytical or educational laboratories.

(2) Use by any person, for medicinal purposes, of any medicinal preparation containing arsenic.

(3) Delivery, or acceptance of delivery, by any person of arsenic for use for one or more of the purposes specified in paragraphs (c) (1) and (c) (2) hereof subject to the following conditions:

(i) Each supplier desiring to make small order deliveries of arsenic pursuant to this paragraph (c) aggregating in excess of 650 pounds of arsenic during any calendar quarter shall apply for authorization to make small order deliveries in accordance with the provisions of paragraph (f) (2) (ii) hereof, and the aggregate amount of small order deliveries made by any such supplier during any calendar quarter shall not exceed the amount of such deliveries which he is specifically authorized to make during such quarter.

(ii) Each person seeking delivery of arsenic for use for one or more of the purposes specified in paragraphs (c) (1) and (c) (2) hereof shall file with his supplier at the time of placing his order therefor, if the amount of arsenic covered by such order exceeds 25 pounds, a certificate to the effect that if the delivery covered by such order is made, the deliverer will not have received in excess of 650 pounds of arsenic during the current quarter and that the arsenic delivered will be used for one or more of the purposes specified in said paragraphs (c) (1) and (c) (2).

(d) *General exemption.* (1) The specific authorization provided for in paragraphs (b) (1) and (b) (2) hereof shall not be required with respect to, and the restriction provided for in paragraph (b) (3) hereof shall not apply to, delivery, acceptance of delivery, or use, of any chemical derivative, or chemical compound, of arsenious acid produced from arsenic delivered or used pursuant to specific authorization of the Director General for Operations or pursuant to paragraph (c) hereof. Any person delivering, accepting delivery of, or using, any chemical derivative, or chemical compound, of arsenious acid shall have the right to assume, unless he knows or has reason to believe the contrary to be true, that the arsenious acid used in the manufacture or compounding of such chemical derivative, or chemical compound, of arsenious acid, was delivered and used pursuant to specific authorization of the Director General for Operations or pursuant to paragraph (c) hereof.

(2) The specific authorization provided for in paragraph (b) (1) hereof shall not be required with respect to the use by the United States Army, Navy, Maritime Commission or War Shipping Administration of arsenic in their possession on October 21, 1942, the effective date of this amendment.

(e) *Inventory reports.* Each person, excepting the United States Army, Navy, Maritime Commission and War Shipping

Administration, having an inventory of arsenic in excess of 650 pounds on the effective date of this amendment shall, unless such inventory was, in its entirety, acquired pursuant to specific authorization of the Director General for Operations issued under General Preference Order No. M-152 as in effect prior to this amendment, report to the War Production Board his inventory of arsenic as of November 1, 1942, which report shall be filed with the War Production Board (attention Chemicals Branch, Ref.: M-152) on or before November 10, 1942. The portion of any inventory acquired pursuant to specific authorization shall not be included in such report.

(f) *Applications and reports.* In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Each person seeking authorization to use or accept delivery of arsenic pursuant to paragraphs (b) (1) and (b) (2) hereof, shall apply for such authorization on Form PD-600. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 10th day of the month preceding the calendar quarter for which such authorization is requested and shall file with his supplier one copy of such form on or before the 10th day of such month if the supplier is a producer, or on or before the 5th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "Arsenic" and order number "M-152, as amended October 21, 1942," and specify pounds as the unit of measure, and in addition to specifying the delivery destination, indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify "99+ % As₂O₃", "95-99 % As₂O₃", "90-95 % As₂O₃", or "Less than 90 % As₂O₃".

(iii) *Columns 3, 20 and 22.* In the case of a distributor seeking authorization to accept delivery of arsenic, specify "Resale pursuant to further authorization." In the case of a person seeking authorization to use arsenic, specify:

Calcium arsenate	Antimonial lead
Lead arsenate	Metallic arsenic.
Paris green	Wood preservative
London purple	Arsenic trichloride
Zinc arsenate	Arsenic acid
Cattle dip	Glass
Sodium arsenite	Other

If "Other" is specified, describe briefly.

(iv) *Column 4.* In the case of a distributor seeking authorization to accept delivery of arsenic, disregard. In the case of a person seeking authorization to use arsenic, specify:

Insecticides	Flat and structural glass
Poison bait	Ornamental glass
Weed killer	Glass tableware
Metallurgical	Glass containers
Structural lumber	Glass bulbs and tubing
Structural timber	Heat resisting glass
Wood piling	Fibre glass
Railroad ties	Gas purification
Wallboard	Other
Optical and ophthalmic glass	

If "Other" is specified, describe briefly.

(2) Each person seeking authorization to deliver arsenic pursuant to paragraph (b) (2) hereof, shall apply therefor on Form PD-601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the commencement of the calendar quarter for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "Arsenic" and order number "M-152, as amended October 21, 1942," and specify pounds as the unit of measure, and in addition to specifying the plant or warehouse address, indicate the address to which communications should be directed.

(ii) *Column 1.* If authorization to make small order deliveries under paragraph (c) (3) (i) hereof is requested, insert "Aggregate Small Order Deliveries" in Column 1 after completing the list of customers requesting deliveries of in excess of six hundred and fifty (650) pounds of arsenic and specify in Column 4 the aggregate amount of each grade shown in Column 3 requested to be authorized.

(iii) *Columns 3 and 8.* Specify "99+ % As₂O₃", "95-99 % As₂O₃", "90-95 % As₂O₃", or "Less than 90 % As₂O₃".

(iv) *Table II.* In addition to showing production, indicate, in Columns 9, 11 and 14, imports with respect to each grade.

(3) Interim applications for authorization to deliver, accept delivery of, or use, arsenic will be considered only in exceptional cases.

(g) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(h) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-152.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law

671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10615; Filed, October 21, 1942;
11:32 a. m.]

Chapter XI—Office of Price Administration

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,¹ Amendment 33]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (22) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(22) *Elmira Lubricator Company, Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by Elmira Lubricator Company, Inc., Elmira, New York, of any lubricating device manufactured by it shall be determined pursuant to the provisions of § 1390.5, except that the date January 1, 1942 shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5.

§ 1390.31a *Effective dates of amendments.* * * *

(gg) Amendment No. 33 (§ 1390.25 (c) (22)) to Maximum Price Regulation No. 136, as amended, shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10589; Filed, October 20, 1942;
12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 4 Under § 1499.29 of GMPR]

LAKEY FOUNDRY AND MACHINE CO.

Adjustment of maximum prices under § 1499.29 of the General Maximum Price Regulation—Order No. 4—Docket No. GF3-1983.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 6

issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.404 *Adjustment of maximum prices of Lakey Foundry and Machine Company on sales of gray iron castings under Government contracts or subcontracts.* (a) Lakey Foundry and Machine Company is hereby authorized to enter into, offer to enter into and to make deliveries, on and after August 20, 1942, on contracts for sale of gray iron castings with the United States or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" or any agency of any such Government, or subcontracts under any such contract, at prices not in excess of its applicable maximum prices under the General Maximum Price Regulation, plus 6% of said maximum prices before the addition of charges, if any, for transportation: *Provided*, That Lakey Foundry and Machine Company shall file with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., on or before the last day of each month during which this order is effective: (1) a sworn statement of its net operating profits and losses before provision for income and excess profits taxes for the preceding month on sales of gray iron castings; (2) a sworn statement of its overall net operating profits and losses before provision for income and excess profits taxes for the preceding month on all sales and services; (3) a breakdown of profit and loss statements filed pursuant to (1) and (2) of this paragraph showing (i) net sales (ii) cost of commodities on services sold, stating separately total direct material costs, total direct labor costs and total other manufacturing costs and (iii) general and administrative expenses, segregating compensation to officers and directors; and (4) a sworn statement of its average per pound price for gray iron castings sold during the preceding month and its average per pound cost for the gray iron castings sold: *Provided further*, That Lakey Foundry and Machine Company shall also file with said Iron and Steel Branch on or before the last day of each month following each quarter year beginning with the last quarter of the calendar year 1942 a certified balance sheet for the preceding quarter.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 (§ 1499.404) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 (§ 1499.404) is hereby incorporated as a section of Supplementary Regulation No. 4, which contains modifications of the maximum prices established by § 1499.2.

(e) This Order No. 4 (§ 1499.404) shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10587; Filed, October 20, 1942;
12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 62 Under § 1499.18 (b) of GMPR]

McFADDEN-LAMBERT CO.—CITY OF
ST. PAUL

Order No. 62 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1691.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.862 *Adjustment of maximum prices for bar candy sold by McFadden-Lambert Company to City of St. Paul.* (a) The McFadden-Lambert Company of St. Paul, Minnesota, is hereby authorized to sell and deliver to the City of St. Paul, and the City of St. Paul is hereby authorized to buy and receive the following commodities at prices not higher than those set forth below:

(1) Boxes of bar candy, containing 24 bars to the box, at 72¢ per box.

(b) The adjustment granted to McFadden-Lambert Company is subject to the condition that the City of St. Paul shall not charge a higher price for candy bars at retail than its highest price during March 1942.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 62 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 62 (§ 1499.862) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 62 (§ 1499.862) shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10588; Filed, October 20, 1942;
12:13 p. m.]

PART 1300—PROCEDURE

[Amendment 3 to Procedural Reg. 1¹]

ISSUANCE, PROTEST, AND AMENDMENT OF MAXIMUM PRICE REGULATIONS

New § 1300.60 is added to read as set forth below:

§ 1300.60 *Right of governmental agency to file petition for amendment.* Any governmental agency exercising regulatory authority over prices which are subject to a maximum price regulation may file a petition for amendment of either general or specific applicability based upon findings made by such agency after public hearing.

§ 1300.58 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1300.60) to Procedural Regulation No. 1 shall become effective this 20th day of October, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

¹ 7 F. R. 971, 3663, 6967.

* Copies may be obtained from the Office of Price Administration.

¹ 7 F. R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 7912, 8198.

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10597; Filed, October 20, 1942;
5:02 p. m.]

PART 1340—FUEL

[MPR 121, Amendment 7]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new paragraph (c) is added to § 1340.247a as set forth below:

§ 1340.247a *Petitions for adjustment.*

(c) The Office of Price Administration or any regional office thereof may, either on application or on its own motion, adjust by order the maximum price of lignite established under this Maximum Price Regulation No. 121 whenever it appears in the case of any seller:

(1) That a shortage in the supply of lignite available to any locality which customarily relied thereon for its fuel supply exists or threatens to occur;

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices established for lignite for such seller and for like sellers; and

(3) That action by adjustment of maximum prices will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

§ 1340.250a *Effective dates of amendments.*

(g) Amendment No. 7 (§ 1340.247a (c)) to Maximum Price Regulation No. 121 shall become effective October 20, 1942.

(Pub. Laws 421, and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10598; Filed, October 20, 1942;
5:02 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[MPR 95]

WOMEN'S NYLON HOSIERY

The title, preamble, and §§ 1401.1 to 1401.10, inclusive, of Revised Price Schedule No. 95—Nylon Hose, are amended, renumbered, and reissued as Maximum Price Regulation No. 95, Women's Nylon Hosiery.

A statement of the considerations involved in the issuance of this Maximum

Price Regulation No. 95 has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, Maximum Price Regulation No. 95 is hereby issued.

Sec.

- 1401.1 Transactions in nylon hosiery which are prohibited by this regulation.
1401.2 Maximum prices for nylon hosiery.
1401.3 Maximum prices for nylon hosiery not specifically priced in § 1401.2.
1401.4 Less than maximum prices may be charged.
1401.5 Information which must be furnished to ultimate consumers.
1401.6 Information which must be furnished to purchasers other than ultimate consumers.
1401.7 Relation between Maximum Price Regulation No. 95 and the General Maximum Price Regulation.
1401.8 Relation of this regulation to other Maximum Price Regulations.
1401.9 Evasion.
1401.10 Enforcement.
1401.11 Definitions.
1401.12 How this regulation may be amended.
1401.13 Geographical applicability of this regulation.
1401.14 Effective date.

AUTHORITY: §§ 1401.1 to 1401.14, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1401.1 *Transactions in nylon hosiery which are prohibited by this regulation.* On and after October 22, 1942, regardless of any contract or other obligation, no person shall:

(a) Sell or deliver any nylon hosiery at a price higher than the maximum price established by this regulation; or

(b) Sell or deliver any nylon hosiery for which a maximum price is not provided in § 1401.2 unless he receives from the Office of Price Administration, Washington, D. C., a specific maximum price therefor, as provided by § 1401.3; or

(c) Require a purchaser to buy or agree to buy any other hosiery or other article, service, package or wrapper in connection with a sale or delivery of nylon hosiery; or

(d) Buy or receive nylon hosiery in the course of trade or business at a price higher than the maximum price established by this regulation; or

(e) Do any other act which directly or indirectly increases above the maximum price the consideration paid by the purchaser for the nylon hosiery; or

(f) Offer, attempt or agree to do any of the acts prohibited by this regulation.

§ 1401.2 *Maximum prices for nylon hosiery.*—(a) *Sales at retail.* The maximum prices for which nylon hosiery may be sold, delivered, or offered for sale at retail are the prices per pair set forth below in Table No. 1:

TABLE NO. 1

Construction	First quality	Irregulars	Second quality
A. Circular knit hosiery. All types.	\$1.55	\$1.40	\$1.15
B. Full fashioned hosiery:			
1. 48 gauge and lower. All deniers:			
(a) Nylon leg.	1.65	1.50	1.25
(b) All nylon.	1.85	1.65	1.40
2. 51 gauge and 54 gauge:			
(a) 30 denier and coarser:			
(1) Nylon leg.	1.85	1.65	1.40
(2) All nylon.	1.95	1.75	1.45
(b) Finer than 30 denier:			
(1) Nylon leg.	2.15	1.95	1.60
(2) All nylon.	2.25	2.00	1.70
3. 57 gauge and higher. All deniers:			
(a) Nylon leg.	2.50	2.25	1.90
(b) All nylon.	2.50	2.25	1.90

(b) *Sales at wholesale.* The maximum prices for which nylon hosiery may be sold, delivered, or offered for sale at wholesale are the prices per dozen, f. o. b. point of shipment, set forth below in Table No. 2:

TABLE NO. 2

Construction	First quality	Irregulars	Second quality
A. Circular knit hosiery. All types.	\$11.55	\$10.40	\$8.65
B. Full fashioned hosiery:			
1. 48 gauge and lower. All deniers:			
(a) Nylon leg.	13.20	11.90	9.90
(b) All nylon.	14.30	12.85	10.75
2. 51 gauge and 54 gauge:			
(a) 30 denier and coarser:			
(1) Nylon leg.	14.30	12.85	10.75
(2) All nylon.	15.40	13.85	11.55
(b) Finer than 30 denier:			
(1) Nylon leg.	17.05	15.35	12.80
(2) All nylon.	18.15	16.35	13.65
3. 57 gauge and higher. All deniers:			
(a) Nylon leg.	19.80	17.80	14.85
(b) All nylon.	19.80	17.80	14.85

(c) *Sales by manufacturers.* The maximum prices for which nylon hosiery may be sold, delivered, or offered for sale by manufacturers thereof, other than at retail, are the prices per dozen, f. o. b. point of shipment, set forth below in Table No. 3:

TABLE NO. 3

Construction	First quality	Irregulars	Second quality
A. Circular knit hosiery. All types.	\$10.50	\$9.45	\$7.85
B. Full fashioned hosiery:			
1. 48 gauge and lower. All deniers:			
(a) Nylon leg.	12.00	10.80	9.00
(b) All nylon.	13.00	11.70	9.75
2. 51 gauge and 54 gauge:			
(a) 30 denier and coarser:			
(1) Nylon leg.	13.00	11.70	9.75
(2) All nylon.	14.00	12.60	10.50
(b) Finer than 30 denier:			
(1) Nylon leg.	15.50	13.95	11.65
(2) All nylon.	16.30	14.85	12.40
3. 57 gauge and higher. All deniers:			
(a) Nylon leg.	18.00	16.20	13.50
(b) All nylon.	18.00	16.20	13.50

(d) *Explanation of above tables.*—(1) *Gauges.* (i) "Gauges" are based upon use of the full needle bar within a tolerance of four needles, in accordance with accepted trade practice.

(ii) "48 gauge or lower" includes all gauges which are lower than 51 gauge.

* Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3237, 3898, 4483, 5941, 6002, 6386.

² 7 F.R. 1386, 1842, 1836, 2132, 5783.

(iii) "51 and 54 gauge" include 51 gauge and gauges which are higher than 51 gauge but lower than 57 gauge.

(2) *Yarn composition.* These tables of prices apply only to nylon hosiery made of continuous filament nylon yarn.

(3) "All nylon" and "nylon leg". (i) "All nylon" means hosiery knitted entirely of nylon yarn.

(ii) "Nylon leg" means hosiery in which the leg is knitted entirely of nylon whereas some other portion of the stocking is made of other material.

(4) *Sizes, lengths and dimensions.* Maximum prices for all lengths and dimensions including "out-sizes" and "proportioned" hosiery of each classification are the same.

(5) "Lace", "non-run", "mesh" and other special constructions, are included in these tables, and the maximum prices are the same for these constructions, as for other constructions in each classification.

(6) "Cut and sewn" lace hosiery. In cut and sewn lace nylon hosiery the gauge of the welt determines the gauge of the hosiery.

§ 1401.3 *Maximum prices for nylon hosiery not specifically priced in § 1401.2.* A seller who seeks a specific maximum price for any type of nylon hosiery for which a maximum price is not provided in § 1401.2 shall file with the Office of Price Administration in Washington, D. C., an application setting forth (a) a description in detail of the nylon hosiery for which a maximum price is sought; (b) a statement of the facts which differentiate such nylon hosiery from the nylon hosiery for which maximum prices are established under § 1401.2 of this regulation; and (c) such other information as may be required by the Office of Price Administration. No person shall sell, deliver, or offer to sell, such hosiery unless he receives specific authorization from the Office of Price Administration.

§ 1401.4 *Less than maximum prices may be charged.* Lower prices than the maximum prices established by this Maximum Price Regulation No. 95 may be charged, demanded, paid or offered.

§ 1401.5 *Information which must be furnished to ultimate consumers—(a) By posting.* On and after October 22, 1942, every person who sells or offers for sale nylon hosiery at retail shall post in a conspicuous place and in a manner plainly visible to the purchasing public in each department or portion of the premises where nylon hosiery is sold or offered for sale, the seller's maximum prices for nylon hosiery as established in this Regulation, and each type of hosiery shall be clearly identified therein with the same degree of detail as is required for marking such hosiery by § 1401.4 (b).

(b) *By marking.* On and after October 22, 1942, no person shall sell, deliver, or offer for sale nylon hosiery at retail unless there is firmly attached to each pair of such hosiery a stamp, tag, or other marking, which truthfully and clearly states in writing, identifying information as to the construction and price of the hosiery:

(1) *In the case of full fashioned hosiery.* (i) The words "full fashioned"; (ii) The gauge; (iii) The denier size of the leg yarn; (iv) The words "Ceiling Price" or "Our Ceiling" accompanied by the seller's maximum price under this regulation, (for example, "Ceiling Price \$1.95"); (v) The word "irregulars" on all irregular hosiery, and the word "seconds" or "thirds" on all second quality hosiery.

(2) *In the case of circular knit hosiery.* (i) The words "circular knit"; (ii) The denier size of the leg yarn; (iii) The words "Ceiling Price" or "Our Ceiling" accompanied by the seller's maximum price under this regulation, (for example, "Ceiling Price \$1.55"); and (iv) The word "irregulars" on all irregular hosiery and the word "seconds" or "thirds" on all second quality hosiery.

(3) *Abbreviations permitted.* In marking hosiery pursuant to this paragraph, sellers are permitted to abbreviate the following words in the forms set forth opposite each respectively:

Full fashioned.....	f.f.
Gauge.....	gg. (for example, "45 gg.")
Denier.....	den. (for example, "30 den.")
Circular knit.....	cir. knit
Irregulars.....	ir.
Seconds.....	2nd.
Thirds.....	3rd.

Abbreviation of required information is not permitted in posting.

§ 1401.6 *Information which must be furnished to purchasers other than ultimate consumers.* Every person who sells nylon hosiery to a purchaser other than an ultimate consumer shall, at the time of the delivery thereof, furnish to the purchaser thereof, the following:

(a) Written notification using the following words: "The specific maximum prices at which you may sell nylon hosiery have been fixed by Maximum Price Regulation No. 95 issued by the Office of Price Administration on October 20, 1942. No person may sell, deliver, or offer for sale nylon hosiery and no person may buy or receive nylon hosiery in the course of trade or business at prices higher than the maximum prices established by this regulation", and

(b) The text of § 1401.2 of this regulation unless they shall have been previously furnished by the seller or his representative.

§ 1401.7 *Relation between Maximum Price Regulation No. 95 and the General Maximum Price Regulation.* The General Maximum Price Regulation shall not apply and this Maximum Price Regulation No. 95 shall apply to sales, deliveries and offers to sell or to deliver nylon hosiery. However, the following sections of the General Maximum Price Regulation are made a part of this regulation and each seller must comply with them:

(a) Federal and state taxes, (§ 1499.7).

(b) Current records, (§ 1499.12).

(c) Sales slips and receipts, (§ 1499.14).

* 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5665, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913.

(d) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling nylon hosiery at wholesale or retail.

§ 1401.8 *Relation of this regulation to other maximum price regulations—(a) Maximum Price Regulation No. 172.* Maximum Price Regulation No. 172—Charges of Contractors in Apparel Industry—shall apply, and this Maximum Price Regulation No. 95 shall not apply to transactions for which maximum prices are established by Maximum Price Regulation No. 172.

(b) *Revised Maximum Export Price Regulation.* Revised Maximum Export Price Regulation shall apply and this Maximum Price Regulation No. 95 shall not apply to sales and deliveries for which maximum prices are established by Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1401.9 *Evasion.* The provisions of this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any nylon hosiery, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1401.10 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 95 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1401.11 *Definitions—(a) Definitions incorporated by reference.* Unless the context otherwise requires or unless otherwise specifically provided herein, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(b) *Other definitions.* When used in this Maximum Price Regulation No. 95 the following terms shall have the meanings set forth below:

(1) "Manufacturer" means a person who sells, delivers or offers for sale nylon hosiery in a form substantially changed from the form in which he bought that nylon hosiery or the materials from which it was made:

(2) "Sale at wholesale" means a sale by a person who buys nylon hosiery and resells it, in any quantity, in a form substantially unchanged from the form in which he bought that nylon hosiery, to any person other than the ultimate consumer;

(3) "Sale at retail" means a sale, in any quantity, to an ultimate consumer;

(4) "Ultimate consumer" means a person (i) who buys nylon hosiery for a purpose other than that of reselling it and (ii) who did not sell or offer for sale nylon

* 7 F.R. 4882, 6684.

* 7 F.R. 5059, 7242.

hosiery in any quantity on or before February 5, 1942; and

(5) "Nylon hosiery" means any women's full length hosiery in which (i) the leg or (ii) the leg and some portion of the stocking in addition to the leg, is made in whole or in part of nylon yarn.

(6) "Irregular hosiery" means nylon hosiery not of first quality which contains one or more imperfections which are limited to irregularities in dimensions, size, color, knit, or weave, without the presence in the hosiery of any obvious mends, runs, tears, or breaks in the fabric, or any substantial damage to the yarn or fabric itself;

(7) "Second quality hosiery" means nylon hosiery not of first quality containing runs, mends, irregularities, imperfections, or defects in material, construction or finish which are not so limited as to constitute the hosiery irregular.

§ 1401.12 *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1⁷ issued by the Office of Price Administration.

§ 1401.13 *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States and to the District of Columbia, but not to the territories and possessions of the United States.

§ 1401.14 *Effective date.* This Maximum Price Regulation No. 95 (§§ 1401.1 to 1401.14, inclusive) shall become effective on October 22, 1942.

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10599; Filed, October 20, 1942;
5:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. Zoning Order 1]

ORDER ESTABLISHING ZONES FOR SUGAR RATIONING

Second Revised Zoning Order 1 under Rationing Order 3¹—Sugar Rationing Regulations.

Pursuant to § 1407.168, the following order is hereby issued: § 1407.281 (Revised Zoning Order 1) is amended as set forth below:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the State of Rhode Island; and Worcester, Middlesex, Essex, Norfolk, Bristol, Plymouth, Barnstable, Suffolk, Nantucket and Dukes Counties in the State of Massachusetts.

Zone 2 shall include the State of Connecticut; all points in the State of New York

¹⁷ F. R. 971, 3663, 6967.

¹⁸ F. R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 6057.

where the base rate is 14 cents or less; and all points in the State of New Jersey where the New York City base rate is 12 cents or less.

Zone 3 shall include the State of Delaware; that part of the State of New Jersey not included in Zone 2; and all points in the State of Pennsylvania where the base rate is 14 cents or less.

Zone 4 shall include the State of Maryland, except for Garrett and Allegany Counties; the District of Columbia; Berkeley and Jefferson Counties in the State of West Virginia; and all points in the State of Virginia where the base rate is 19 cents or less, and West Point, Virginia.

Zone 5 shall include all points in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland.

Zone 6 shall include the States of South Carolina, Georgia, and North Carolina except all points in the State of North Carolina included in Zone 5.

Zone 7 shall include that part of the State of Florida which lies east of the Apalachicola River.

Zone 8 shall include the States of Arkansas, Alabama, Kentucky, Louisiana, Mississippi and Tennessee; that part of the State of Florida which lies west of the Apalachicola River; Scott, Mississippi, New Madrid, Pemiscot and Dunklin Counties in the State of Missouri; White, Gallatin, Hardin, Pope, Massac, Pulaski, and Alexander Counties in the State of Illinois; Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, Clark, Jefferson, Switzerland, Ohio and Dearborn Counties in the State of Indiana; and Hamilton, Clermont, Brown, Adams and Scioto Counties in the State of Ohio.

Zone 9 shall include all points in the State of Texas where the base rate is 35 cents or less.

Zone 10 shall include the lower peninsula of the State of Michigan.

Zone 11 shall include the States of Maine, New Hampshire and Vermont; that part of the State of Massachusetts not included in Zone 1; that part of the State of New York not included in Zone 2; that part of the State of Pennsylvania not included in Zone 3; those parts of the States of Maryland, West Virginia and Virginia not included in Zone 4; that part of the State of Ohio not included in Zone 8; and all points in the State of Indiana not included in Zone 8 where the base rate is based on shipments from Baltimore, Maryland.

Zone 12 shall include all of the continental United States not included in Zones 1 to 11 inclusive.

(b) "Base rate" as used herein, refers to the lowest published refiner's base rate in effect on the date of issuance of this Second Revised Zoning Order 1.

(c) Sugar may be delivered, shipped or transferred from Zone 12 to any point in Zones 1, 9 or 11.

(d) Confectioner's sugar in bulk may be delivered, shipped or transferred:

(1) From Zone 4 to any point in Zone 5 and from Zone 6 to any point in Zone 7; and

(2) Until November 1, 1942: (i) from Zone 1 to any point in the States of Maine, New Hampshire, Vermont and Massachusetts; (ii) from Zone 2 to any point in the State of New York; (iii) from Zone 3 to any point in the State of Pennsylvania; and (iv) from Zone 4 to any point in the States of Maryland, West Virginia, and Virginia.

(e) Any carrier who has, prior to the effective date of this Second Revised Zon-

ing Order 1 accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 as amended (Revised Zoning Order 1) may complete such delivery, shipment or transfer after the effective date of this Second Revised Zoning Order 1.

(f) This Second Revised Zoning Order 1 shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong., W.P.B. Dir. 1, and Supp. Dir. 1E, Section 1407.168 of Rationing Order 3; 7 F.R. 562, 2965)

Issued this 20th day of October 1942.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 42-10600; Filed, October 20, 1942;
5:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 1 to Ration Order 10¹]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale for this amendment has been issued simultaneously herewith and has been filed in the Division of the Federal Register.*

Section 1407.662 is hereby suspended with respect to wheat flour, and a new § 1407.842 is added as set forth below:

§ 1407.842 *Effective dates of amendments.* (a) Amendment No. 1 shall become effective September 14, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1 J, O.P.A. Administrative Order 19; 7 F.R. 562)

Issued this 20th day of October 1942.

JACOB ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 42-10601; Filed, October 20, 1942;
5:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 2 to Ration Order 10¹]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (2) is added to paragraph (a) of § 1407.623; paragraph (c) is added to § 1407.662; items 9 and 10 are added to the table in § 1407.687; paragraph (a) of § 1407.704 is amended and a new item is added to the list therein; and paragraph (b) is added to § 1407.842.

§ 1407.623 *Commodities subject to Ration Order No. 10.* (a) The following commodities are subject to Ration Order No. 10: * * *

* Copies may be obtained from the Office of Price Administration.

¹⁷ F. R. 6887.

(2) Corn meal.

§ 1407.662 *Transfers to consumers.*

(c) The suspension of § 1407.662 with respect to wheat flour, as provided for in

Amendment No. 1 to this Ration Order, is hereby revoked.

§ 1407.687 *Designation of ration periods for stamps and weight value of stamps valid therein.* * * *

Ration period	Stamps valid during ration period	Weight value of stamps
No. 9—Sept. 28 to Oct. 4, 1942.	Book 1, stamp 9.....	3 pounds of wheat flour or of corn meal.
No. 10—Oct. 5 to Oct. 11, 1942.	Book 1, stamp 10.....	3 pounds of wheat flour or of corn meal.

§ 1407.704 *Designation of amount of rationed commodities allowed per person served by institutional users.* (a) The amount of the ration of an institutional user per person served shall be as follows:

Rationed commodity, wheat flour or corn meal: Allowance per person, 8 pounds of wheat flour and 8 pounds of corn meal, or 16 pounds of corn meal only, per month.

§ 1407.842 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1407.623 (a), 1407.662 (c), 1407.687, 1407.704, and 1407.842) to Ration Order No. 10 shall become effective September 28, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1 J, O.P.A. Administrative Order 19; 7 F.R. 562, 7 F.R. 5043)

Issued this 20th day of October 1942.

JACOB ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 42-10602; Filed, October 20, 1942; 5:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 2 to Restriction Order 1¹]

MEAT RESTRICTION

A new paragraph (c) of § 1407.910, a new § 1407.914a, and a new paragraph (b) of § 1407.925, are added to read as set forth below:

§ 1407.910 *When delivery takes place: transfers of possession for carriage or storage.* * * *

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, controlled meat shall be deemed to be delivered, for the purposes of § 1407.906 (a) (3) and (5), on the date of the invoice covering such controlled meat.

§ 1407.914a *Statements of deliveries from other slaughterers or non-quota slaughterers required.* (a) Every slaughterer shall prepare for each other slaughterer or non-quota slaughterer a statement of all controlled meat delivered to him by such other slaughterer or non-quota slaughterer during 1941 in deliveries of more than 5,000 pounds each or pursuant to any contract calling for delivery of more than 5,000 pounds. Such statement shall list the

deliveries to each location of the slaughterer chronologically according to invoice date and shall show with respect to each delivery the following:

(1) The date and number of the invoice accompanying such delivery;

(2) Descriptions of the controlled meat of each type included in such delivery permitting conversion in accordance with the provisions of § 1407.913, the weight and conversion weight of controlled meat of each description contained therein, and the total conversion weight of controlled meat of each type in such delivery.

(3) The location of the plant or branch house from which such meat was delivered; and

(4) The location of the plant or branch house to which such meat was delivered.

(b) On or before November 2, 1942, every slaughterer required to prepare a statement pursuant to paragraph (a) of this section shall send by registered mail, return receipt requested, the original of each statement to the slaughterer or non-quota slaughterer who made the deliveries described therein.

(c) Every slaughterer shall attach to a duplicate of each statement sent by him the return receipt for the original of such statement, and shall file all such duplicate statements with the Office of Price Administration together with the registration statement filed pursuant to § 1407.914.

(d) No slaughterer, in computing his quota bases, shall include the conversion weight of any controlled meat delivered to him by another slaughterer or non-quota slaughterer unless he shall have complied with the provisions of this section with respect to such delivery.

(e) Every slaughterer, in computing his quota bases, shall use as the conversion weight of controlled meat delivered by him to other slaughterers during any base period as required in § 1407.906 (a) (5), the total conversion weight of controlled meat of each type delivered by him to other slaughterers as set forth in all statements sent to him pursuant to the provisions of this section.

(f) Within 14 days after receipt of any statement from a slaughterer pursuant to this section, a slaughterer or non-quota slaughterer may send to such slaughterer by registered mail, return receipt requested, a demand for a written statement correcting any inaccuracy claimed to exist therein. Unless such demand is sent within such period, the slaughterer receiving such statement

shall be deemed to have delivered controlled meat as stated therein. If the slaughterer to whom a demand is sent complies with such demand, the slaughterer or non-quota slaughterer claiming such inaccuracy shall forward the written statement correcting it to the Office of Price Administration, and shall adjust his quotas accordingly. If a slaughterer fails to comply with such demand for correction within 10 days after his receipt thereof, the slaughterer or non-quota slaughterer who sent the demand may apply in writing to the Office of Price Administration for a determination of the facts concerning the contested delivery. Upon receipt of such application, the Office of Price Administration will notify all parties to such dispute of the manner in which evidence shall be submitted and the time allowed therefor. The Office of Price Administration will determine such dispute, and will notify the parties thereto of such determination and of any quota adjustments resulting therefrom.

§ 1407.925 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1407.910 (c) and 1407.914a) to Restriction Order No. 1 shall be effective as of October 20, 1942. (Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1-M; 7 F.R. 562, 7234)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10603; Filed, October 20, 1942; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14¹ of GMPR² Amendment 43]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Inferior subdivision (e) of subdivision (i) of § 1499.73 (a) (1) is amended; a new inferior subdivision (h) is added to subdivision (i) of § 1499.73 (a) (1); a new inferior subdivision (f) is added to subdivision (ii) of § 1499.73 (a) (1); and a new inferior subdivision (i) is added to subdivision (v) of § 1499.73 (a) (1) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) Maximum prices for fluid milk sold at retail in specified localities. * * *

¹ 7 F.R. 5486.

² 7 F.R. 3153.

¹ 7 F.R. 7839, 8217.

Locality	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(e) Ogden, Utah.....	Raw and Guernsey.....	To the home.....	Quart.....	Glass or Paper.....	.13
(h) Salt Lake City—Ogden, Utah area.	A.....	Out of store.....	Pint.....	Glass or paper.....	.07
	A.....	To the home.....	Pint.....	Glass or paper.....	.08
	A.....	Out of store.....	Quart.....	Glass or paper.....	.12
	A.....	To the home.....	Quart.....	Glass or paper.....	.13
	A.....	Out of store.....	½ gallon.....	Glass.....	.23
	A.....	To the home.....	½ gallon.....	Glass.....	.25
	C.....	Out of store.....	Pint.....	Glass or paper.....	.07
	C.....	To the home.....	Pint.....	Glass or paper.....	.07
	C.....	Out of store.....	Quart.....	Glass or paper.....	.11
	C.....	To the home.....	Quart.....	Glass or paper.....	.12
	C.....	Out of store.....	Gallon.....	Glass.....	.36

(ii) Maximum prices for fluid milk sold at wholesale in specified localities. * * *

Locality	Grade	Container size	Type of container	Adjusted maximum price (cents)
(f) Salt Lake City—Ogden, Utah, area.....	A	½ pint.....	Glass or paper.....	.03½
	A	Pint.....	Glass or paper.....	.06
	A	Quart.....	Glass or paper.....	.10
	A	½ gallon.....	Glass.....	.20
	C	½ pint.....	Glass or paper.....	.03½
	C	Pint.....	Glass or paper.....	.05½
	C	Quart.....	Glass or paper.....	.09

(v) Definitions. For purposes of this subparagraph (1): * * *

(i) "Salt Lake City—Ogden, Utah, area" means the counties of Salt Lake, Utah, Davis, and Weber; the municipalities of Grantsville, Tooele, and Stockton in Tooele County; the municipality of Park City in Summit County; and all that part of Box Elder County lying south of a line projected east and west along the most northerly limits of Garland and within a distance of 10 miles west of the eastern boundary of said County, including the municipalities of Garland, Tremonton, and Brigham.

(b) Effective dates. * * *

(44) Amendment No. 43 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10604; Filed, October 20, 1942; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 103 Under § 1499.3 (b) of GMPR]

HALLIBURTON OIL WELL CEMENTING CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith: It is ordered:

§ 1499.967 Authorization for Halliburton Oil Well Cementing Company to determine a maximum price for Constable Complex Coordination Test Apparatus. (a) On and after October 20, 1942, the maximum price at which Halli-

burton Oil Well Cementing Company, a corporation having its principal place of business in Duncan, Oklahoma, (hereinafter referred to as "the manufacturer") may sell and deliver Constable Complex Coordination Test Apparatus, and at which any person may buy Constable Complex Coordination Test Apparatus from the manufacturer shall be determined in accordance with the following formula:

(1) Determine the unit direct cost for each Constable Complex Coordination Test Apparatus. The unit direct cost of each test apparatus shall be the sum of the cost per unit of direct labor and materials, computed on the basis of the following wage rates, material prices, and operating conditions:

(i) Wage rates. The wage rates applicable to the test apparatus being priced shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the product. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(ii) Material prices. The price of any material used in the test apparatus shall be taken to be the highest price charged during March, 1942, (as defined below) by the manufacturer's March, 1942, supplier to the manufacturer or to a person of the same class as the manufacturer; or, lacking a March, 1942, supplier of the material, by the manufacturer's most recent supplier of the material; or, lacking both of these, by the manufacturer's potential supplier: Provided, That if the Office of Price Administration has established a lower maximum price for the sale of the material to the manufacturer

by his supplier, such lower price shall govern. "Highest price charged during March, 1942" means:

(a) The highest price which the manufacturer's supplier charged to a person of the same class for delivery of the product or material during March, 1942; or,

(b) If the manufacturer's supplier made no such delivery during March, 1942, such supplier's highest offering price to a purchaser of the same class for delivery of the product or material during that month.

(iii) Operating conditions. Using the wage rates and material prices determined under (i) and (ii) the manufacturer shall compute the cost per unit of direct labor and materials for the test apparatus according to the methods customarily employed by him in computing his cost. He shall compute on the basis of productive techniques employed in his plant at the time of mailing the report required under paragraph (d) and on the basis of the volume of production he reasonably expects.

(2) Add to the unit direct cost as determined above an amount not exceeding \$138.13.

(b) All discounts, trade practices, practices relating to charges and deposits for containers, and practices relating to the payment of shipping charges in effect in March, 1942, on the sale by this company of comparable apparatus shall apply to the maximum price as determined by the formula set forth in paragraph (a).

(c) When used in this Order No. 103 the term "Constable Complex Coordination Test Apparatus" means an apparatus manufactured under patent number 1,953,954 by the Halliburton Oil Well Cementing Company for use as a device for testing the potential flying ability of a person.

(d) Within ten days after a maximum price has been determined in accordance with this order, the manufacturer shall report that price to the Office of Price Administration in Washington, D. C., stating that the price was determined in accordance with the formula set forth in paragraph (a) and setting forth in detail the calculations made in determining that price. This report shall be filed under oath or affirmation and shall be filed in triplicate.

(e) On or before January 1, 1943, the manufacturer shall furnish the Office of Price Administration with a sworn statement of its sales of Constable Complex Coordination Test Apparatus during the period of September 15, 1942, to January 1, 1943, showing the date of each sale, the name and address of the buyer, the price received, and the quantity sold. Thereafter the above-mentioned seller shall submit such reports of its sales of Constable Complex Coordination Test Apparatus as the Office of Price Administration may, from time to time, require.

(f) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(g) This Order No. 103 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 103 (§ 1499.967) shall become effective October 20, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10605; Filed, October 20, 1942;
5:03 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESPASS

REMOVAL OF TRESPASSING HOGS FROM FENCED AREAS IN CERTAIN NATIONAL FORESTS

Whereas a number of hogs are trespassing and grazing on lands fenced for reforestation purposes on the Conecuh National Forest in Alabama, the DeSoto and Bienville National Forests in Mississippi, the Kisatchie National Forest in Louisiana, and the Angelina and Sabine National Forests in Texas; and

Whereas these hogs are injuring and causing mortality to pine trees on these fenced national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472) the following order for the occupancy, use, protection, and administration of the Conecuh National Forest in Alabama, the DeSoto and Bienville National Forests in Mississippi, the Kisatchie National Forest in Louisiana, and the Angelina and Sabine National Forests in Texas, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The fenced areas on the Conecuh, DeSoto, Bienville, Kisatchie, Angelina, and Sabine National Forests are hereby closed to the grazing of hogs for the period beginning January 1, 1943, and ending December 31, 1947.

(b) Officers of the United States Forest Service are hereby authorized to dispose of all hogs found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such hogs shall be given by posting notices in public places or advertising in a newspaper of general circulation in the localities in which the above-named National Forests are located.

Done at Washington, D. C., this 19th day of October, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-10617; Filed, October 21, 1942;
11:41 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 8 (Revised), Supp. 5,
Amended]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

CHARTER RATES ON VESSELS TRANSPORTING COAL

Amending § 302.64 of General Order No. 8 (Revised), Supplement No. 5¹ by striking out all of the table in § 302.64 and inserting in lieu thereof the following:

§ 302.64 *Basic rates.* Effective as of the date of delivery of the vessel to the War Shipping Administration under requisition, the charter rates on all vessels engaged in the coastwise transportation of coal, except excluded vessels referred to in § 302.66 hereof, shall be as follows:

	Per DWT per month
8,000 DWT and up.....	\$3.85
7,000 to 7,999.....	4.10
6,000 to 6,999.....	4.40
5,000 to 5,999.....	4.75
4,000 to 4,999.....	5.15
3,500 to 3,999.....	5.35
3,000 to 3,499.....	5.60
2,500 to 2,999.....	5.90
2,000 to 2,499.....	6.25
1,500 to 1,999.....	6.65
1,000 to 1,499.....	7.10

Provided, That no vessel shall receive more aggregate charter hire (including adjustments) than a vessel of the same kind of the lowest tonnage in the next higher class can receive at the rate (with corresponding adjustments) shown for its class. (E.O. 9054, 7 F.R. 837.)

[SEAL] E. S. LAND,
Administrator.

OCTOBER 19, 1942.

[F. R. Doc. 42-10614; Filed, October 21, 1942;
11:20 a. m.]

[General Order 16, Supp. 5]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

BILL OF LADING CLAUSE

§ 303.23 *Bill of lading clause for cargo carried on public vessels of the United States.* The following clause will be conspicuously printed or stamped on all Bills of Lading issued by War Shipping Administration agents pursuant to General Order No. 16:²

If the goods herein covered are carried on a vessel which is a Public Vessel of the United States, War Shipping Administration, on behalf of the United

States, hereby assumes all liabilities it would have with respect to the carriage of such goods if the vessel were a merchant vessel except with respect to cargo owned by the United States or any Agency or Department thereof and lend-lease cargo. This clause is to be construed only as an agreement that such cargo carried on a Public Vessel shall be treated as though the carrying vessel were a merchant vessel with respect to liabilities for loss or damage to such cargo.

(E.O. 9054; 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

OCTOBER 20, 1942.

[F. R. Doc. 42-10595; Filed, October 20, 1942;
3:54 p. m.]

PART 305—INSURANCE

[General Order 6, Supp. 4]

WAR RISK INSURANCE; AUTOMATIC COVERAGE ON IMPORT CARGOES AND ON CARGOES SHIPPED TO TERRITORIES AND POSSESSIONS OF UNITED STATES

Pursuant to the authority contained in the Merchant Marine Act of 1936, as amended, the following additional rules and regulations for the underwriting of Cargo War Risk insurance under Warshipopencargo Policy Form are hereby promulgated:

Supplementing § 305.60. The following clause is deemed to be incorporated in Part II of Warshipopencargo Policy Form as Clause No. 16. (Exclusion of specified goods from coverage under Warshipopencargo Policy Form.)

16. This policy does not cover shipments of: (1) Dressed and Undressed Furs, (2) Soap and Toilet Preparations, (3) Metal Articles, (4) Art Works and Antiques, all as defined in the United States Department of Commerce "Statistical Classification of Imports" in sections of Code Classification numbered respectively, (1) 0700.0-0738.8, (2) 8711.0-8731.2, (3) 8835.0-8905.0, and (4) 9610.0-9670.3.

With respect to Warshipopencargo Policies which have heretofore been issued, Clause 16 is effective as to shipments:

(a) Under Ocean Bills of Lading dated on and after 15 days from the date of the publication of this supplement in the FEDERAL REGISTER, or

(b) If Ocean Bills of Lading not issued, under equivalent shipping documents dated on or after said date, or

(c) If no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel on and after said date, and

With respect to new applications for new Warshipopencargo Policies, Clause 16 becomes effective forty-eight hours after the date of the publication of this supplement in the FEDERAL REGISTER.

¹ 7 F.R. 7014, 7180.

² 7 F.R. 5246, 6566.

Amending § 305.60 of Warshipopencargo Policy Part II by deleting Clause 12 and substituting the following therefor:

§ 305.60 *Standard form of Warshipopencargo policy.* * * *

12. It is warranted that not later than the 25th day of each calendar month, the Assured will file with the Underwriting Agent closing reports in the manner and form required by such regulations as may be promulgated by the War Shipping Administration from time to time of all shipments coming within the scope of this policy.

(1) As to inward shipments as defined in Supplement No. 4 to General Order No. 6, which inward shipments have arrived at port of destination during the preceding calendar month, and with respect to which inward shipments inability to so arrive by reason of loss, frustration or other similar cause has come to the knowledge of the assured during the preceding calendar month, and

(2) As to outward shipments as defined in Supplement No. 4 to General Order No. 6, which attached under the policy during the preceding calendar month.

And will pay premium thereon at the rate prescribed by the War Shipping Administration and in effect:

- (a) On date of Ocean Bill of Lading, or
- (b) If Ocean Bill of Lading not issued, on date of equivalent shipping document, or
- (c) If no Ocean Bill of Lading or equivalent shipping document issued, or if same are undated, on date goods are laden on overseas vessel.

Clause 12 of said Part II as herein amended shall become effective forty-eight hours after the date of the publication of this supplement in the FEDERAL REGISTER.

Amending § 305.60 of Warshipopencargo Policy Part II by deleting Clause 13 and substituting the following therefor:

13. It is warranted that the Assured will at all times maintain with the War Shipping Administration a Collateral Deposit Fund, or that in lieu of such Collateral Deposit Fund a Surety Bond in form prescribed by the War Shipping Administration will be filed with the Underwriting Agent and maintained in full force and effect, for the purpose of securing the payment of premium hereunder. The Policy shall be automatically voided (except as to shipments which have heretofore attached) in the event the Assured fails to maintain such a Collateral Deposit Fund or such a Surety Bond in an amount sufficient so that at all times such amount is in excess of the unpaid premium due with respect to any and all risks which have attached under the terms of the policy. Such Collateral Deposit Fund or Surety Bond must be maintained in accordance with all rules and regulations of the War Shipping Administration.

With respect to Warshipopencargo Policies which have heretofore been issued, Clause 13 of Part II as herein amended is effective as to shipments:

(a) Under Ocean Bills of Lading dated on or after 15 days from the date of the publication of this supplement in the FEDERAL REGISTER, or

(b) If Ocean Bills of Lading not issued, under equivalent shipping documents dated on or after said date, or

(c) If no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel on or after said date,

With respect to new applications for new Warshipopencargo Policies, Clause 13 of Part II as herein amended becomes effective forty-eight hours after the date of the publication of this supplement in the FEDERAL REGISTER.

Supplementing § 305.61 Amendment to Part II of Warshipopencargo Policy Form. Effective with the date of the publication of this Supplement in the FEDERAL REGISTER, the following clause is hereby added to Warshipopencargo Policy Form, Part II (§ 305.60) as Clause 17:

17. No shipment of cargo coming within the scope of this policy shall attach hereunder subsequent to the sailing of the carrying vessel from the original port of loading with respect to such cargo. Notwithstanding the foregoing provision, an Assured may specially declare to his Underwriting Agent any shipment excluded from coverage by the preceding sentence, in which event insurance shall attach hereunder, if vessel and interest insured is safe in port on date of such declaration, or shall attach upon the safe arrival of vessel and interest insured at first port thereafter, warranted no known or reported loss of or damage to said vessel and interest insured at time of attachment.

Amending § 305.82 Further Amendment to Standard Form of Part I of Warshipopencargo Policy (§ 305.59). Effective forty-eight hours from the date of the publication of this supplement in the FEDERAL REGISTER, the second paragraph of Part I of Warshipopencargo Policy Form as set forth in §§ 305.82 and 305.59 is deleted and the following is substituted at § 305.82 therefor:

§ 305.82 *Amendment to Standard Form Part I of Warshipopencargo Policy.* * * *

In consideration of a Collateral Deposit Fund or Surety Bond to be established in accordance with Clause 13 of Part II of this policy, and of premiums computed and paid as provided in Clause 12, Part II of this policy, WAR SHIPPING ADMINISTRATION by this policy of insurance hereby insures

against War Risks as specified in Part II with respect to all imports to the Continental United States, excluding Alaska (except as to such imports as may be specifically excluded from this policy by special agreement noted hereon by endorsement and except as to such goods which the Assured may purchase under terms requiring the seller to place War Risk Insurance thereon) shipped or consigned to or by the Assured and for his account and risk or shipped or consigned to or by other parties for the account and at the risk of the Assured:

a. Under Ocean Bills of Lading dated on and after _____, or

b. If Ocean Bills of Lading not issued, under equivalent shipping documents dated on or after said date, or

c. If no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel on and after said date.

For the purpose of this insurance, goods insured hereunder shall be valued at _____

Amending § 305.50 by deleting paragraph (b) (1) Regulations prescribed by War Shipping Administration for maintenance of either a Collateral Deposit Fund or Surety Bond and substituting the regulations hereinafter set forth effective forty-eight hours after the date of

the publication of this supplement in the FEDERAL REGISTER:

§ 305.50 *Rules of procedure on open cargo war risk insurance on import cargoes.* * * *

(b) (1) It is necessary for an Assured to comply with the requirements of Clause 13 of Part II (§ 305.60) of Warshipopencargo Policy at all times.

An applicant desiring to establish a Collateral Deposit Fund in compliance with the requirement of Clause 13 of Part II (§ 305.60) of Warshipopencargo Policy must deposit with an Underwriting Agent of the War Shipping Administration, by whom the policy is to be issued, a certified check or cashier's check payable to the order of the Treasurer of the United States in an amount not less than \$1,000, together with a letter of transmittal in quadruplicate in accordance with the form set forth in General Order No. 6, Supplement No. 1 and designated therein i-(4), (§ 305.54). Such a deposit when received will be held by War Shipping Administration under a serial number assigned thereto.

In the event any Assured fails to pay any premium due under any Warshipopencargo Policy issued by or on behalf of the War Shipping Administration as the same becomes due and payable, such default will give the War Shipping Administration the right to cancel the policy in accordance with its terms and to deduct such due amounts from such Assured's Collateral Deposit Fund.

Changes for amounts not less than \$500 and by multiples of \$500, in the amount of the Assured's Collateral Deposit Fund may be effected by the Assured at any time. The effect of any action taken by an Assured shall be the sole responsibility of the Assured, and shall in no manner relieve the Assured of the responsibility imposed by Clause 13 of Part II (§ 305.60) of the Warshipopencargo Policy.

Increase in the amount of the Collateral Deposit Fund will become effective upon the date of the receipt by the Underwriting Agent (meaning thereby, the particular Underwriting Agent of the War Shipping Administration by whom the policy was issued to the Assured) of a valid certified check or cashier's check payable to the order of the Treasurer of the United States accompanied by the transmittal form executed in quadruplicate by the Assured.

Decrease in the amount of the Collateral Deposit Fund will become effective, except as to shipments which at the time of the application for decrease have then attached under the Warshipopencargo Policy and on which premium has not been paid in full, upon the date of the receipt (as acknowledged) by the specified Underwriting Agent of Form No. (1) (§ 305.88) executed by the Assured in quadruplicate. Where Form No. (1) (§ 305.88) properly filled out is receipted for by an Underwriting Agent, the effect is such that with respect to all shipments which have not then attached, the Assured admits for all purposes except the actual repayment of that part of the Collateral Deposit Fund that actual repayment has been made.

Upon receipt by the Underwriting Agent of Form No. (1) (§ 305.88) requesting a decrease in the amount of the Collateral Deposit, it shall be the duty of the Underwriting Agent to immediately transmit the same to the Clearing Organization.

Unless an Assured has substituted a Surety Bond in an amount at least equal to the Collateral Deposit Fund before receipt by the specified Underwriting Agent of Form No. (1) (§ 305.88), (or unless the War Shipping Administration has waived in writing the requirement for the maintenance of a Collateral Deposit Fund for a Warshipopencargo Policy issued to an Assured which is a department or agency of the United States or acting on behalf of such a department or agency), an Assured will not become entitled to reimbursement by the War Shipping Administration of the Collateral Deposit Fund until a closing report is filed and premium has been paid in full with respect to all shipments which had attached at the time of the receipt by the Underwriting Agent of the application for decrease and an affidavit executed in quadruplicate as prescribed on Form No. 2 (§ 305.89) has been filed with the Underwriting Agent.

No decrease, other than for complete withdrawal of the Collateral Deposit, will be accepted which would bring the amount of deposit lower than the required minimum deposit of \$1,000.

Whenever an Assured becomes entitled to a refund of the Collateral Deposit in whole or in part, by reason of the cancellation of the Warshipopencargo Policy, (or, by reason of the waiver by War Shipping Administration of the requirement of maintaining the Collateral Deposit Fund on a Warshipopencargo Policy issued to an Assured which is a department or agency of the United States or acting on behalf of such a department or agency) or, by reason of the substitution of a Surety Bond in place and stead of the Collateral Deposit Fund, as hereinbefore provided, War Shipping Administration, will, upon completion of the foregoing requirements, cause payment to be made by the Treasury of the United States to the party in whose name the Collateral Deposit was established.

The foregoing language shall not be construed as a requirement that an Assured who hereafter originally makes a collateral deposit must begin the deposit with a sum of money in an equal multiple of \$500, or who has already established a deposit, must change the sum of money on deposit to an equal multiple of \$500.

Amending § 305.50 (b) (2). The regulations appearing in paragraph (b) (2) of General Order No. 6, Supplement No. 1 are hereby supplemented by additional regulations as follows:

Changes in amount not less than \$500 and by multiples of \$500 of an Assured's Surety Bond may be effected by the Assured at any time. The effect of any action taken by an Assured shall be the sole responsibility of the Assured and shall in no manner relieve the Assured of the responsibility imposed by Clause 13 of Part II (§ 305.60) of the Warshipopencargo Policy. Increases in the amount

of a Surety Bond will become effective upon the date of the receipt by the specified Underwriting Agent of a valid endorsement to the Surety Bond, counter-signed by the Surety Company, accompanied by transmittal Form No. 3 (§305.90) executed by the Assured in quadruplicate.

Decrease in the amount of the Surety Bond will become effective, except as to shipments which at the time of the receipt by the Underwriting Agent of the application for decrease have then attached under the Warshipopencargo Policy and on which premium has not been paid in full, upon the date of the receipt by the specified Underwriting Agent of a valid endorsement to the Surety Bond countersigned by the Surety Company accompanied by transmittal Form No. 3 (§ 305.90) executed by the Assured in quadruplicate.

No decrease, except for cancellation, will be accepted which would bring the amount of the Surety Bond lower than the required minimum amount of \$1,000.

Whenever an Assured becomes entitled to cancellation of a Surety Bond by reason of the cancellation of the Warshipopencargo Policy, (or, by reason of the waiver by War Shipping Administration of the requirement of maintaining a Surety Bond for a Warshipopencargo Policy issued to an Assured which is a department or agency of the United States or acting on behalf of such a department or agency) or, by reason of the substitution of a Collateral Deposit Fund of at least equal amount in place and stead of the Surety Bond, War Shipping Administration will cause a release to be executed; and hereby authorizes its Underwriting Agents to execute the release as set forth in Form No. 6 (§ 305.93) which must be forwarded to the Clearing Organization. Such releases must not be effective sooner than, and shall be of even date with, (i) the effective date of the cancellation of the policy when the cancellation of the Surety Bond is for that reason, or, (ii) the date of a written directive of War Shipping Administration waiving the requirement of the Surety Bond where the cancellation is for that reason, or (iii) the time when the Collateral Deposit Fund has been established when the cancellation of the Surety Bond is for that reason.

The foregoing language shall not be construed as a requirement that an Assured who hereafter originally files a surety bond must procure a surety bond in an amount which is an equal multiple of \$500, or who has already filed a surety bond, must change the amount of the surety bond to an equal multiple of \$500.

§ 305.84 *Regulations for cancellation of a Warshipopencargo policy.* Effective with the date of the publication of this Supplement in the FEDERAL REGISTER, the following regulations are prescribed for cancellation of Warshipopencargo Policy:

Upon the filing with the specified Underwriting Agent of an application for cancellation of a Warshipopencargo Policy on Form No. 5, (§ 305.92) executed in quadruplicate by the Assured, together with the original Warshipopencargo Pol-

icy, cancellation of the Assured's Warshipopencargo Policy will be effected with respect to all risks which have not attached prior to the effective date of cancellation (which must be a date not sooner than fifteen days following receipt by the specified Underwriting Agent of the application for cancellation.)

Such cancellation shall not effect the obligation of the Assured to file closing reports with respect to all risks which attached prior to the effective date of cancellation and to pay all unpaid premium.

Within four months of the effective date of cancellation, unless otherwise agreed by War Shipping Administration in writing, the Assured must file a closing report of all shipments covered by the Warshipopencargo Policy for which closing reports have not been previously filed. The Assured shall be required to mark this closing report "Final Closing Report on Cancellation of Policy", and file an affidavit on Form No. 9 (§ 305.96) executed by the Assured in quadruplicate. Thereafter when all unpaid premium has been paid, the Assured becomes entitled to a refund of the Collateral Deposit, or cancellation of the Surety Bond in accordance with the foregoing provisions of this Supplement No. 4 to General Order No. 6. (§§ 305.84 to 305.97 inclusive.)

§ 305.85 *Regulations governing declarations of shipments of cargo under Warshipopencargo policy.* Effective with the date of the publication of this Supplement in the FEDERAL REGISTER, the following regulations governing declarations of shipments of cargo under Warshipopencargo Policy Form are prescribed:

For the purpose of declaring shipments of cargo insured by a Warshipopencargo Policy, each such shipment must be classified as either an inward or an outward shipment.

Classification shall be determined by reference to the geographical location of the Assured under a Warshipopencargo Policy with respect to the movement of the shipment. For the purpose of determining the geographical location of the Assured the address stated in the application for the Warshipopencargo Policy shall be deemed the Assured's geographical location.

Thus, if an Assured has stated in his application that his address is in Hawaii, and the Assured's Warshipopencargo Policy covers shipments (a) of manufactured goods from the United States to Hawaii and (b) of pineapple from Hawaii to the United States, the geographical situation of the Assured in relation to the movement of said shipments would be such that (1) would be classified inward and (2) would be classified outward.

Each provisional and closing report of shipments must keep distinct the classification of outward or inward by reporting all outward shipments on one report and all inward shipments on one report, and in an instance where a single insured voyage presents a combination of an inward and outward shipment, the Assured must declare the entire voyage on the inward shipment form, as the same will be deemed an inward shipment for the purposes of reporting.

Shipments classed as outward are not required to be reported provisionally.

Whenever a sea passage is made with respect to cargo covered under a Warshipopencargo Policy by a barge or sailing vessel the Assured shall be required to note that fact upon the closing report.

An Assured reporting for one calendar month must not include therein a report of a shipment due to be reported in the report for the next succeeding calendar month. Thus, the report of January closing shipments filed in February should not include February closings.

Amending § 305.50 (3)-(d) Effective with the date of the publication of this Supplement in the FEDERAL REGISTER, the second paragraph of section "(d) Closing Reports" of General Order No. 6, Supplement No. 1 (§ 305.50 (d) (3)) is hereby deleted and the following regulations are substituted:

In the event that the Assured has no shipments for any preceding calendar month to report during any given month, the standard form of closing report must nonetheless be filed as prescribed herein and either or both of the following statements depending upon their applicability to the Assured must be noted thereon:

(i) It is certified that no inward shipment coming within the scope of this policy arrived at destination during the preceding calendar month, and that during the preceding calendar month no knowledge has come to the Assured of an inward shipment covered under the terms of the policy which will not arrive by reason of loss, frustration or other similar cause.

(ii) It is certified that no outward shipment coming within the scope of this policy was made.

One certified or cashier's check in payment of the premiums due under sets of inward and outward reports for the same period will be acceptable.

Amending § 305.59 *Standard form of Warshipopencargo Policy Form Part 1.* Effective forty-eight (48) hours after the date of the publication of this Supplement in the FEDERAL REGISTER the Cancellation Clause appearing in Part 1 of Warshipopencargo Policy Form is deleted and the following Cancellation Clause is substituted therefor:

This policy may be cancelled at any time upon 15 days written or telegraphic notice to or by the Assured or 15 days subsequent to the publication of a notice of cancellation in the FEDERAL REGISTER: *Provided, however,* That no such cancellation shall terminate this policy with respect to any shipments which have become at risk under the terms hereof prior to the effective date of such notice.

§ 305.86 *Additional regulations.* The following additional regulations are hereby promulgated to become effective with the date of the publication of this Supplement in the FEDERAL REGISTER.

In support of a claim for loss, an Assured shall be required to file as part of his proofs of loss, a certificate on Form No. 7 (§ 305.94) properly executed.

For an application for revision in the terms of coverage in a Warshipopencargo Policy an Assured must use Standard Form No. 8 (§ 305.95).

Amending § 305.51 *Application for open policy.* Effective with the publication of this Supplement in the FEDERAL REGISTER, the Standard Form of Application for an Open Policy set forth in paragraph (i-11) of General Order No. 6, Supplement No. 1 (§ 305.51) is deleted and Standard Form of Application Form No. 10 (§ 305.97) is hereby substituted therefor.

Amending § 305.61 *Standard form of surety bond.* Effective 48 hours after the date of the publication of this Supplement in the FEDERAL REGISTER the Standard Form of Surety Bond (i-11) (§ 305.61) set forth in General Order No. 6, Supplement No. 1 is amended by deleting the words "Resident Vice President" and "Resident Assistant Secretary" appearing at the end thereof, and by adding the following language:

NOTE. War Shipping Administration requires the signature by or on behalf of the Assured to appear on this bond.

§ 305.61 *Standard form of surety bond.* (a) Effective 48 hours after the publication of this Supplement in the FEDERAL REGISTER approval is hereby given for the accomplishment of a surety bond by the surety company through one of the following methods:

(1) Accomplished by an officer with an attest.

(2) Accomplished by an Attorney-in-fact with the attest by another Attorney-in-fact.

(3) Accomplished by signature by a single Attorney-in-fact with no attest, but the surety company's seal affixed to the document.

(b) Effective forty eight (48) hours after the date of the publication of this Supplement in the FEDERAL REGISTER whenever a bond is used in procuring the issuance of a Warshipopencargo Policy, the Standard Form of Surety Bond as set forth in Paragraph (i-11) of General Order No. 6, Supplement No. 1 (§ 305.61) with respect to paragraphs 2 and 3 of said form must contain the following language at paragraphs 2 and 3:

The condition of this obligation is such that whereas _____ Principal, under application dated the _____ day of _____, 19____,

has applied for the issuance of a Warshipopencargo Policy by War Shipping Administration, and

Whereas, War Shipping Administration has agreed to accept this bond as a guarantee of the payment of all premiums due and payable under the terms and conditions of such Warshipopencargo Policy when issued, or endorsements thereto or modifications thereof, whether or not consented to by the surety.

Amending § 305.53 *Affidavit to be attached to closing report.* Effective with the date of publication of this Supplement in the FEDERAL REGISTER, the Standard Form of Affidavit to be attached to a closing report set forth in General Order No. 6, Supplement No. 1, as paragraph (i) (3) (§ 305.53) is deleted and form No. 11 substituted therefor.

The following forms Nos. 1 to 11 inclusive are hereby prescribed as the respective Standard Forms for use in carrying out the provisions of the foregoing sections:

§ 305.88 *Form No. 1: Standard form to be used where decreasing the amount of a cash collateral deposit.*

The Assured _____ hereby applies to decrease the amount of the Collateral Deposit maintained to secure the payment of premiums under Warshipopencargo Policy No. _____. The Assured agrees that for all purposes except for the actual repayment of the sum of _____ (\$_____) Dollars, hereby demanded, that payment shall be considered as made at the date that the Underwriting Agent acknowledges receipt of this request.

(Assured)

By: _____

(Title)

Receipt is hereby acknowledged of the application for reduction in amount of Collateral Deposit by the sum of _____ (\$_____) Dollars, this _____ day of _____, 19____.

(Underwriting Agent)

By: _____

Actual Repayment of money will be made according to the terms and conditions of the Warshipopencargo Policy and regulations thereto.

§ 305.89 *Form No. 2: Affidavit to be used in effecting the repayment of the decrease of the collateral deposit fund.*

STATE OF _____ ss:
County of _____

being first duly

(Name of Affiant)

sworn, deposes and says *(either (1) (he), (she) is an officer, to wit: _____

(Title)

of the _____ insured under _____ (Name of Corporation or Company)

der Warshipopencargo Policy No. _____, or (2) (he) (she) is the Assured named in Warshipopencargo Policy No. _____ and is familiar with all matters pertaining thereto).

That the refund of _____ (\$_____) Dollars was effected on the _____ day of _____, 19____, but has not yet been repaid; that all premiums accrued by reason of the attachment of all risks covered under Warshipopencargo Policy No. _____ up to the time of the receipt of Form No. (1) on the _____ day of _____, 19____, by _____, the Underwriting Agent, have been paid in full and the unpaid premium accrued by reason of the attachment of any and all risks since said date and at the date of the verification of this affidavit is not greater than _____ (\$_____) Dollars, the amount remaining on deposit if payment is made as herein requested.

Wherefore, deponent requests that _____ (\$_____) Dollars be repaid.

(Assured)

By: _____

(Title)

Subscribed to and sworn before me this _____ day of _____, 19____.

Notary Public

Attention is directed to section 35 (A) of the Criminal Code of the United States which provides for punishments ranging as high as ten years imprisonment or \$10,000 fine, or both, for filing false, fictitious, or fraudulent documents with a department or agency of the United States.

* Strike out inapplicable part in bracket.

§ 305.90 Form No. 3: Transmittal form for endorsement of increase or decrease to surety bond.

Increase } * is desired in amount of Surety
Decrease }
Bond of _____ Company
dated the _____ day of _____
19____, in accordance with the terms of the
endorsement submitted herewith.

(Assured)

By: _____

(Title)

* Strike out inapplicable word.

§ 305.91 Form No. 4: Standard form of increase-decrease rider for bond guaranteeing payment of insurance premiums on Warshipopencargo policy.

RIDER

To be attached to and form a part of Bond Guaranteeing Payment of Insurance Premiums, No. _____ issued by _____ as principal, dated the _____ day of _____, 19____ in the amount of _____ (\$_____) Dollars.

In consideration of {increased } * premium charged for the attached bond, it is understood and agreed as follows:

1. The amount of the attached bond is hereby {increased } * from _____ (\$_____) Dollars to _____ (\$_____) Dollars as to such and so many of the premiums required to be paid under the Warshipopencargo Policy No. _____, referred to in this attached bond, as accrue after the day, month, year of the receipt of this endorsement as acknowledged below by an Underwriting Agent for the War Shipping Administration: *Provided*, That, regardless of the number of changes made in the amount of the attached bond, no amount carried under the attached bond during any period, whether the original amount or any subsequent amount, shall be cumulative with any amount or amounts carried under the attached bond during any other period or periods.

2. The attached bond shall be subject to all its terms, conditions and limitations except as herein expressly modified.

Signed, sealed and dated the _____ day of _____, 19____

By _____
Principal

By _____
Surety

Attest: _____

Receipt of this endorsement is hereby acknowledged subject to the rules and regulations of War Shipping Administration this _____ day of _____, 19____, and shall become effective according to its terms as of this date.

By _____
Underwriting Agent

* Strike out inapplicable word.

§ 305.92 Form No. 5: Form of application for cancellation of Warshipopencargo policy.

UNITED STATES OF AMERICA—WAR SHIPPING
ADMINISTRATION

_____ hereby applies
for cancellation of WARSHIPOPENCARGO

Policy No. _____ to be effective the _____
day of _____, 19____

(Assured)

By _____

(Title)

War Shipping Administration by _____
acknowledges receipt of the original policy No. _____ on _____ day of _____, 19____

Underwriting Agent

By _____

§ 305.93 Form No. 6: Form of release on cancellation of surety bond.

Whereas _____ has made application to War Shipping Administration for the cancellation of Bond No. _____ of the _____ (Surety Company) effective the _____ day of _____, 19____, in accordance with Paragraph 2 of the conditions of said bond, guaranteeing the payment of all premiums due and payable under the terms and conditions of Warshipopencargo Policy No. _____

It is hereby understood and agreed that _____ (Surety Company) is relieved of any and all liability under Bond No. _____ for premiums on risks attaching after the _____ day of _____, 19____

Dated at _____ this _____ day of _____, 19____

WAR SHIPPING ADMINISTRATION,

By: _____
(Underwriting Agent)

§ 305.94 Form No. 7: Form of certificate required as part of proof of loss.

CERTIFICATE OF PREMIUMS DUE AND PAYABLE UNDER WARSHIPOPENCARGO POLICY No. _____

I, _____, the Assured, or the (*) _____ of the Assured, under Warshipopencargo Policy No. _____, do hereby certify that to the best of my knowledge and belief the total amount of unpaid premiums under said policy on the date on which the risk attached on the shipment referred to below for which claim is made herewith amounted to _____ Dollars (\$_____) and that on said date the Assured had:

(a) a collateral deposit fund in the sum of _____ Dollars (\$_____) on deposit with the United States of America; or

(b) a surety bond in the sum of _____ Dollars (\$_____) on file with the Underwriting Agent of the War Shipping Administration.

Dated, this _____ day of _____

Shipment: _____

* Attention is directed to Section 35 (a) of the Criminal Code of the United States which provides for imprisonment ranging as high as 10 years or ten thousand dollars fine, or both, for filing false, fictitious or fraudulent claims with a department or agency of the United States.

(*) If Assured is a corporation or partnership insert on this line title of person executing Certificate.

TO BE FILED WITH PROOF OF LOSS

§ 305.95 Form No. 8: Form application for revision of warshipopencargo policy.

UNITED STATES OF AMERICA—WAR SHIPPING
ADMINISTRATION

Application for revision in Warshipopencargo Policy No. _____
Issued and countersigned by _____

(Name of Underwriting Agent)

Effective on and after the date upon which this application is received by the above-mentioned Underwriting Agent, as to shipments

(a) under Ocean Bills of Lading, so dated, or

(b) if Ocean Bills of Lading are not issued, under equivalent shipping documents, so dated, or

(c) if no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel as of such date.

The Assured hereby requests the following change be endorsed upon the above mentioned policy _____

If this form does not contain sufficient space to set forth the desired changes, attach another sheet of paper hereto, and incorporate the same by reference.

This form must be filed in quadruplicate with the aforementioned Underwriting Agent.

(Type or print Assured's name)

(Type or print Assured's Address)

(Signature of authorized representative of Assured)
Do not use this section _____

§ 305.96 Form No. 9: Affidavit to be submitted with a "final closing report on cancellation of policy".

STATE of _____ ss: _____
County of _____

_____ being first duly
(Deponent's Name)

sworn, deposes and says that * (either (1) (he), (she) is an officer, to wit: _____

(Title)

of _____, the Assured
(Name of Corporation or Company)

named in Warshipopencargo Policy No. _____, or (2) _____ is the Assured

named in Warshipopencargo Policy No. _____, issued by War Shipping Administration), and

does hereby certify, warrant, represent and affirm on his own behalf * (if (1) is used,

include the following: "and on behalf of said Assured") that the information in the

"Final Closing Report on Cancellation of the Policy" contains in all respects a true, accurate and complete list of all shipments of

goods covered by Warshipopencargo Policy No. _____ made at any time which have

not previously been reported; that the certified check or cashier's check tendered in payment of premium with the "Final Closing

Report on Cancellation of Policy" pays in full any and all unpaid premium which at any time became due and payable under Warshipopencargo Policy No. _____

This affidavit is made by the Assured pursuant to the terms and conditions of Warshipopencargo Policy No. _____ with the

intent and the full knowledge of the deponent * (if (1) is used, add the words "and the Assured") that War Shipping Administration

will rely thereon in authorizing the refund of the collateral deposit maintained by the Assured for securing to War Shipping

Administration the payment of premium under Warshipopencargo Policy No. _____

Subscribed and sworn to before me this day of _____, 19____

Notary Public

Attention is directed to section 35 (A) of the criminal code of the United States which provides for punishments ranging as high as ten years imprisonment or \$10,000 fine, or both, for filing false, fictitious, or fraudulent documents with a department or agency of the United States.

*Strike out inapplicable part in bracket.

§ 305.97 Form No. 10: Amended application form for open policy.

UNITED STATES OF AMERICA—WAR SHIPPING ADMINISTRATION—WARSHIPOPENCARGO POLICY APPLICATION

Effective with respect to shipments (a) under Ocean Bills of Lading dated on and after _____ (which shall be not earlier than the date of issuance of the policy, except as specified in memoranda of instructions No. 6 dated September 9, 1942) or (b) if Ocean Bills of Lading not issued under equivalent shipping documents dated on and after said date, or (c) if no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessels on and after said date, a Warshipopencargo Policy containing the warranties and conditions promulgated in Supplement 1 of General Order No. 6 of the War Shipping Administration and any amendments in effect at the date of this application is requested by:

Name of Assured _____

Address _____

No. Street City County State
Specify by insertion of the word "Yes" in the blank provided therefor which class of shipments the Assured desires to cover:

1. Imports to the Continental United States excluding Alaska.
2. Exports from the Continental United States excluding Alaska to the territories and possessions of the United States including the Canal Zone and Alaska.
3. Shipments between ports in the Continental United States excluding Alaska.
4. Shipments between ports in any one territory or possession of the United States, including the Canal Zone and Alaska.
5. Shipments to the territories and possessions of the United States including the Canal Zone and Alaska (excepting shipments from the Continental United States excluding Alaska).

Merchandise not to be covered, if any _____

Specify the basis of valuation _____

(If sufficient space is not available, fill out the requirements on a supplemental sheet of paper and annex the same with appropriate reference to this application.)

Specify by number which of the Standard Optional Endorsements are required:

If Standard Optional Endorsements Nos. X or XI are applied for, a supplemental statement must be attached hereto, designating the goods and setting forth the reasons why such endorsements should be granted. Neither of such endorsements will be issued except upon instructions of the War Shipping Administration, to whom such supplemental statement will be submitted for appropriate action.

If Standard Optional Endorsement No. IV (revised) has been designated, list the names of the principals and their respective addresses _____

If Standard Optional Endorsement No. 1 (amended) has been designated attention is directed to the requirement of additional premium.

Assured
By _____
Title _____

This application must be accompanied by either (a) Standard Form of Transmittal of Collateral Deposit Fund with accompanying Cashier's or certified check, or (b) Standard Form of Surety Bond executed by the Assured as Principal and by the Surety, complying in either case with all applicable provisions of General Order No. 6, and Supplements thereto. No insurance will attach whenever the unpaid premium exceeds the amount of such collateral fund or Surety bond.

§ 305.53 As Amended Form No. 11: Affidavit to be attached to closing report.

State of _____ ss:
County of _____, being first duly

(Name of Affiant)
sworn, deposes and says that *(1) (he), (she) is an officer, to wit: _____ (Title)

of the _____
(Name of Corporation or Company)
insured under Warshipopencargo Policy No. _____, or that (2) (he), (she), is the Assured named in Warshipopencargo Policy No. _____ and does hereby certify, warrant, represent and affirm on (his), (her) own behalf and on behalf of said Assured that *(the closing report) *(or set of closing reports), to which this affidavit pertains, contains in all respects a true, accurate and complete list of all goods covered under said Warshipopencargo Policy required to be reported on a closing form by the terms and conditions of said Warshipopencargo Policy for the calendar month ending _____, 194____.

The *(closing report) *(or set of closing reports) is furnished by the Assured and this affidavit is made by the affiant pursuant to the terms and conditions of said Warshipopencargo Policy and is furnished by the Assured and by the affiant with full knowledge that War Shipping Administration will rely thereon, and with the intent and purpose of inducing the War Shipping Administration to rely thereon.

Subscribed to and sworn before me this day of _____, 19____

Notary Public

Attention is directed to Section 35 (A) of the Criminal Code of the United States which provides for punishments ranging as high as ten years imprisonment or \$10,000 fine, or both, for filing false, fictitious, or fraudulent documents with a department or agency of the United States.

*Strike out inapplicable words in brackets.

§ 305.98 Standard optional endorsement No. XII. Notwithstanding the provisions of General Order No. 6, Supplement No. 3 (§ 305.73) with respect to the limitation of the amount collectible in the event of loss under a Warshipopencargo Policy, an Assured may hereafter endorse such a policy to cover all

shipments of goods coming within the scope of the Assured's Warshipopencargo Policy according to the provisions of the following Standard Optional Endorsement No. XII.

Standard optional endorsement No. XII. It is understood and agreed that with respect to all shipments coming within the scope of this policy, the provisions of Part I hereof set forth in Paragraphs (a) (b) (c) (d) (Sec. 305.73 Part I of the Warshipopencargo Policy) limiting the amount collectible in the event of loss are hereby deleted and the following substituted therefor: "In the event of loss the Assured shall be required to file an affidavit to the effect that the amount claimed does not exceed the actual bona fide pecuniary loss to the Assured, exclusive of any allowance for anticipated or accrued profit arising out of the insured venture. Such affidavit shall be subject to the provisions of section 35 (a) of the Criminal Code."

All other terms and conditions remain unchanged.

An Assured who had a Warshipopencargo Policy in effect on September 15, 1942, which has been continuously maintained in effect with respect to all its provisions to the date of the publication of this Supplement in the FEDERAL REGISTER, may request his Underwriting Agent to endorse the Assured's Warshipopencargo Policy with the above endorsement retroactively to September 15, 1942, provided request for retroactive application of the endorsement is made within seven days from the date of the publication of this Supplement in the FEDERAL REGISTER. Except as aforesaid the Underwriting Agent must not endorse a Warshipopencargo Policy with Standard Optional Endorsement No. XII retroactively.

[SEAL]

E. S. LAND,
Administrator.

OCTOBER 20, 1942.

[F. R. Doc. 42-10606; Filed, October 20, 1942; 3:54 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1562]

DISTRICT BOARD 17

ORDER REDESIGNATING TRIAL EXAMINER AND CHANGING PLACE OF HEARING

In the matter of the petition of District Board No. 17 for revision of the effective minimum prices for coals produced and shipped by rail from mines in Subdistricts Nos. 11, 12, 15 and 16 in District No. 17 to destinations in Market Area 203.

A hearing upon the original petition in the above-entitled matter convened at Washington, D. C., on October 5, 1942, pursuant to a Notice of and Order for Hearing entered therein on September 2, 1942.

District Board No. 17, the original petitioner, was not represented at the above-mentioned hearing nor was any evidence introduced in support of the relief requested in the original petition.

Accordingly, the hearing was continued pending further order of the Director.

Petitioner has requested that the place of hearing in this matter be changed to Denver, Colorado, and it appears that the granting of such request will not result in inconvenience to either the Division or interested persons.

Now, therefore, it is ordered, That the place of hearing in the above-entitled matter be, and it hereby is, changed from Washington, D. C., to a hearing room of the Division at the Circuit Court Room, Post Office Building, Denver, Colo.

It is further ordered, That the hearing in the above-entitled matter be resumed on November 20, 1942, at 10 o'clock in the forenoon of that day at the place above designated.

It is further ordered, That D. C. McCurtain shall preside at such hearing vice Edward J. Hayes.

Dated: October 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10622; Filed, October 21, 1942;
11:53 a. m.]

[Docket No. C-13]

COLORADO FUEL & IRON CORP.

ORDER POSTPONING HEARING

In the matter of the application of Colorado Fuel & Iron Corporation for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

A hearing in the above-entitled matter having heretofore been scheduled for 10 o'clock in the forenoon of October 26, 1942, at Circuit Court Room, Post Office Building, Denver, Colorado, and it appearing appropriate that the said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of October 26, 1942, to 10 o'clock in the forenoon of November 19, 1942 at the Circuit Court Room, Post Office Building, Denver, Colorado.

Dated: October 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10623; Filed, October 21, 1942;
11:53 a. m.]

[Docket No. B-142]

SAHARA COAL COMPANY, CODE MEMBER

ORDER GRANTING APPLICATION

Order granting application filed pursuant to § 301.132 of the Rules of Practice and Procedure for disposition hereof without formal hearing and cancelling hearing, and cease and desist order.

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on November 12, 1941 by the Bituminous Coal Producers Board for District No. 10, a District Board ("Complain-

ant"), with the Bituminous Coal Division (the "Division") alleging that the Sahara Coal Company, a code member (the "Code Member") which operates the Sahara No. 5 Mine, Mine Index No. 156, located in Saline County, Illinois, in District No. 10, wilfully violated the provisions of the Act, the Bituminous Coal Code (the "Code") the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck as amended (the "Schedule") and rules, regulations and orders promulgated by the Division pursuant to the Act as more fully set forth in the complaint; and

The complaint and Notice of and Order for Hearing herein dated January 14, 1942 having been duly served on the Code Member on January 23, 1942; and

An application dated February 16, 1942 of the Code Member, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, having been duly filed with the Division on February 16, 1942, and a supplemental application dated February 19, 1942, pursuant to said § 301.132 having been duly filed on February 21, 1942; and

The hearing herein having been postponed by order dated February 23, 1942, to a date and place to be thereafter designated by appropriate order; and

Notice of the filing of said application and supplemental application having been published in the Federal Register on March 9, 1942, pursuant to said § 301.132 and a conformed copy thereof having been duly mailed to the Complainant herein; and

Said notice of filing having provided that interested parties desiring to do so might within fifteen (15) days from the date of said notice file recommendations or requests for informal conferences with respect to said application and supplemental application; and

The Code Member having admitted in said application and supplemental application that it wilfully violated the Act, the Code, and rules and regulations thereunder as alleged in the complaint herein and having consented among other things to the disposition hereof by the entry herein of a cease and desist order; and

Complainant herein having on February 19, 1942 filed with the Division its written consent to the disposition of this matter by the issuance of a cease and desist order herein; and

An informal conference with respect to said application and supplemental application thereto having been held at a hearing room of the Division on July 8, 1942, at Washington, D. C.;

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act authorizing it to adjust complaints of violations and to compose differences of the parties thereto, upon the said application and supplemental application filed pursuant to said § 301.132 of the Rules of Practice and Procedure for disposition without formal hearing of the charges contained in the aforesaid complaint filed herein, upon said consent of the Complainant herein, and upon evidence in the possession of the Division:

It is hereby found that:

(A) Sahara Coal Company is a corporation organized and existing under and by virtue of the laws of the State of Delaware, is authorized to do business in the State of Illinois, and is engaged primarily in the production and distribution of bituminous coal.

(B) Sahara Coal Company filed with the Division its code acceptance dated June 18, 1937 which became effective as of June 20, 1937, since which time Sahara Coal Company has been and now is a code member in District No. 10. During the period when the violations hereinafter found occurred, Sahara Coal Company was engaged in mining coal produced at the Sahara No. 4 Mine, Mine Index No. 1571, the Sahara No. 5 Mine, Mine Index No. 156, the Sahara No. 10 Mine, Mine Index No. 157, and the Sahara No. 16 Mine, Mine Index No. 1518, all located in District No. 10. The entire production of the said Sahara Nos. 4 and 5 Mines and a portion of the coal produced at the said Sahara Nos. 10 and 16 Mines was transported as run of mine coal to the Central Preparation Plant of the Code Member at Harrisburg, Illinois, where the run of mine coal produced at the aforesaid mines was washed and then screened or crushed into various sizes. After the coal was prepared and processed at the said Central Preparation Plant it was sold to various purchasers.

(C) The Central Preparation Plant of the Sahara Coal Company is equipped with modern machinery consisting of washing equipment, crushers, and classifying screens for the production of washed prepared coal. The run of mine coal produced at the mines of Code Member enters the plant and is washed and prepared by passing in a continuous flow through a series of washers, crushers, and classifying screens. At certain points in the preparation process, certain sizes are prepared which may be segregated from the continuous flow of coal in the plant and loaded separately for shipment or which may be reassembled with other component sizes to form a single size of coal.

Among the various sizes of coal prepared at the said plant, Sahara Coal Company prepared 1" x 3/8" washed screened coal (Size Group No. 19), 1 1/2" x 1" washed screened coal (Size Group No. 18) and 3/4" x 1/2 m.m. washed carbon (Size Group No. 25). Each of these three sizes, by virtue of the construction of said Central Preparation Plant, could be loaded directly from the plant into rail cars for shipment to purchasers or could be reassembled to form screened 1 1/2" x 1/2 m.m. washed screened coal (Size Group No. 24).

Sahara Coal Company also prepared 1" x 0 coal (Size Group No. 24) by crushing in said plant the 1 1/2" x 1" washed screenings (Size Group No. 18), which could likewise be mixed with the various sizes of washed screenings or loaded directly from the plant into rail cars for shipment.

Sahara Coal Company prepared at this plant a special coal for small stoker use having outside dimensions of 1 1/2" x 1

m.m., which it sold as "washed stoker screenings." When preparing such "washed stoker screenings," Sahara Coal Company mixed with the entire production of the washed screened 1" x 3/8" coal (Size Group No. 19) the entire production of the 1" x 0 coal (Size Group No. 24) crushed from the 1 1/2" x 1" washed screenings (Size Group No. 18), and a small proportion (less than 5%) of 3/8" x 0 coal (Size Group No. 25). Such "washed stoker screenings," which were considered by Sahara Coal Company as a manufactured product, were a mixture which, in comparison to 1" x 1 m.m. washed screenings (Size Group No. 24) had a very substantially smaller proportion of fines which were qualitatively more satisfactory for small stoker use.

The Sahara Coal Company engaged in the practice of mixing coal in this manner and selling such "washed stoker screenings," as Size Group No. 24 coals, both before and after, as well as during the period of the violations alleged in the complaint herein.

(D) By virtue of the provisions of Price Instruction No. (A) 4 and No. (A) 5 in the Schedule, which are applicable in the absence of a specific price instruction to the contrary, when two or more sizes of coal are mixed the minimum price for such mixture is the minimum price for the size contained in such mixture having the highest minimum f. o. b. mine price, with the exception that the term "mixture" does not include the re-assembling of component size groups into one size group having the normal top and bottom dimensions, the normal qualitative characteristics and the normal size consist for such size group. Since the facts found in paragraph (C) hereof show that the said "washed stoker screenings" were a "mixture" and not "re-assembled screenings," Sahara Coal Company therefore wilfully violated section 4 II (e) and section 4 II (i) (8) of the Act, Part II (e) and Part II (i) (8) of the Code and Rule 8 of section XIII of the Marketing Rules and Regulations by selling as Size Group No. 24 during the period October 1, 1940 to February 18, 1942, both dates inclusive, "washed stoker screenings" prepared in the aforesaid manner, including the coal sold as alleged in the complaint herein, whereas the effective minimum f. o. b. mine price for such "washed stoker screenings" a manufactured mixture of Size Group No. 19, Size Group No. 24, and Size Group No. 25 coals, was the applicable effective minimum price for Size Group No. 19 coals for rail shipment.

(E) On the basis of violations described in paragraphs (C) and (D) hereof, Sahara Coal Company should be directed to cease and desist from all violations of the Act, the Code and rules and regulations thereunder.

Now, therefore, on the basis of the above findings, said admissions and consent filed by Sahara Coal Company pursuant to § 301.132 of the Rules of Practice and Procedure and said consent filed by the Complainant herein;

It is ordered, That the said application and supplemental application be and the same hereby are granted; and

It is further ordered, That the hearing herein heretofore postponed by order

dated February 23, 1942, to a date and place to be thereafter designated by appropriate order be and the same hereby is cancelled; and

It is further ordered, That Sahara Coal Company, its representatives, servants, agents, officers, employees, attorneys, receivers, and successors or assigns and all persons acting or claiming to act on its behalf or in its interest cease and desist and they hereby are permanently enjoined and restrained from violating the Bituminous Coal Act, the Bituminous Coal Code and rules and regulations issued thereunder; and

It is further ordered, That upon any failure to comply with the restraining provisions of this Order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof, or take other appropriate action.

Dated: October 19, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-10620; Filed, October 21, 1942;
11:52 a. m.]

[Docket No. 601-FD]

AMERICAN ROLLING MILL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of the American Rolling Mill Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at the Nellis Mine, Mine Index No. 346, and at the Marting Mine, Mine Index No. 320, of the American Rolling Mill Company in District No. 8, having been filed by the above-named applicant pursuant to the second paragraph of Section 4-A of the Bituminous Coal Act of 1937;

It is ordered, That a hearing in the above-entitled matter, under the applicable provisions of said Act and the rules of the Division, be held on November 16, 1942, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division in Washington, D. C. On such day the Chief of the Records Section in the offices of the Division, Washington, D. C., will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under section VII (i) of the Rules of Practice and Procedure before the Bituminous Coal Division may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant and each interested party shall file with the Division a concise statement in writing of the facts expected to be proved by such person at the hearing. Interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statements of facts shall be considered as pleadings and not as evidence of the facts therein stated. The affirmative evidence offered by a party at the hearing shall be limited to the said statements of facts filed by such party.

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the 15-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of Rule VII (g) of the aforesaid Rules of Practice and Procedure.

(3) If the applicant does not appear and offer evidence in support of its statements of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure.

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the application, other matters necessarily incidental and related thereto, which may be raised by amendment to the application, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of The American Rolling Mill Company for a determination of the status of coal produced at its Nellie Mine, Mine Index No. 346, and at its Marting Mine, Mine Index No. 320, in District No. 8. The said application alleges that such coal is exempt from Section 4 of the Act because it is coal produced, transported and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937.

Dated: October 20, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-10626; Filed, October 21, 1942;
11:54 a. m.]

[Docket No. A-1660]

DISTRICT BOARD No. 2

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 2 for the revision of Rule 1 (I) of section VII of the marketing rules and regulations established by the Division.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 17, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed by District Board No. 2 requesting a revision of Rule 1 (I) of section VII of the Marketing Rules and Regulations established by the Division, which provides, among other things, that the seller shall charge interest after the due date of the account, by adding thereto the following:

This rule shall not be applicable in the case of sales of bituminous coal made to

domestic consumers for private residence heating.

Dated: October 20, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-10625; Filed, October 21, 1942;
11:54 a. m.]

[Docket No. B-245]

DOWLING COAL COMPANY

ORDER GRANTING APPLICATION, ETC.

In the matter of Lawrence H. Dowling, doing business as Dowling Coal Company, registered distributor, registration No. 2472.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure before the division, suspending registration as a distributor, directing distributor to cease and desist from further violations, and cancelling hearing.

The above-entitled matter having been instituted by the Bituminous Coal Division (the "Division") pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors (the "Distributor's Rules") by a Notice of and Order for Hearing, dated May 29, 1942, and served on the said Lawrence H. Dowling, doing business as Dowling Coal Company (the "Distributor") on June 5, 1942, to determine whether the said distributor had violated the Bituminous Coal Act of 1937 (the "Act"), the Bituminous Coal Code (the "Code"), and orders, rules and regulations thereunder, and his Distributor's Agreement, dated April 23, 1940, as more fully set out in said Notice of and Order for Hearing; and

This matter having been scheduled for hearing on June 30, 1942, at a hearing room of the Division in Washington, D. C., pursuant to said Notice of and Order for Hearing, and having been postponed by an order of the Acting Director issued on June 25, 1942, to a time and place to be thereafter designated; and

An application based upon admissions for the disposition of the above-entitled matter without formal hearing, (the "Application"), pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division (the "Admission Rules"), dated June 22, 1942, having been filed by said distributor with the Division on said date; and

A notice that said application had been filed by said distributor with the Division, and providing that interested parties desiring to do so may file recommendations or request for informal conference in respect to said application within fifteen (15) days from July 4, 1942, the date of said notice, having been published in the FEDERAL REGISTER, pursuant to said Admission Rules, on July 7, 1942, and it appearing that no such recommendations or requests have been filed; and

It appearing from said application as amended by said distributor's affidavit dated July 6, 1942, and filed with the

Division on July 7, 1942, that said distributor (1) admits having committed the acts and having failed to take action resulting in the violations of the Act, the Code and orders and regulations thereunder, and his Distributor's Agreement, which are alleged in paragraphs 1 to 5, inclusive, of the Notice of and Order for Hearing issued herein on May 29, 1942, and in addition thereto that he made deliveries after thirty (30) days after the effective dates of spot orders for coal purchased from C. A. Hughes & Company, Cresson, Pennsylvania, a code member, and New England Coal & Coke Company, a subsales agent for Koppers Coal Company, a code member, and consents to the entry of an order herein (a) directing said distributor to return to code members the discounts or commission which were unlawfully accepted and retained by him as set forth in the violations alleged in paragraphs 1 to 4, inclusive, of said Notice of and Order for Hearing, (b) suspending his registration as a distributor for a period of sixty (60) days from the date of the service of such order and (c) directing said distributor to cease and desist from further violations of the Act, the Code and orders and regulations thereunder, and his Distributor's Agreement; and

It further appearing from said application that the distributor represents that he has not, to the best of his knowledge and belief, committed any violations of the Act, the Code, or regulations thereunder other than those described in said application; and

It further appearing from said affidavit by said distributor dated July 6, 1942, and his supplemental affidavit dated August 6, 1942, and filed with the Division on August 24, 1942, that said distributor has repaid to the code members, referred to in paragraphs 1 to 4, inclusive, of the said Notice of and Order for Hearing, the discounts totalling \$154.73 which said distributor had accepted and retained on the coal purchased for resale from said code members;

Now, therefore, pursuant to the authority vested in the Division by section 4 II (h) of the Act and § 304.14 of the Rules and Regulations for the Registration of Distributors, and upon the basis of the admissions contained in said application, as supplemented by the aforesaid affidavits which were heretofore filed with the Division, and upon other evidence in the possession of the Division:

I. It is hereby found that:

1. A verified Application for Registration as a Registered Distributor and Agreement by Registered Distributor, dated April 23, 1940, was filed with the Division on April 25, 1940, by Lawrence H. Dowling, an individual, trading and doing business under the name and style of Dowling Coal Company, 424 Bell Building, Manchester, New Hampshire; and

2. Pursuant to section IV of the Rules and Regulations for Registration of Distributors, which appear as Appendix A to the Order of the National Bituminous Coal Commission (the "Commission") issued in General Docket No. 12 on March

24, 1939, as amended by an order of said Commission issued in said General Docket on June 20, 1939, which orders were adopted and ratified by an order of the Division issued on July 1, 1939, said Application and Agreement were approved, the said Lawrence H. Dowling, doing business as aforesaid, was registered as a distributor, effective as of April 27, 1940, and Certificate of Registration No. 2472 was issued to the said Lawrence H. Dowling, trading and doing business as Dowling Coal Company; and that said distributor has been since the last mentioned date and is now acting as a registered distributor.

II. It is hereby further found that said distributor:

1. During the period January 20, 1941, to March 28, 1941, both dates inclusive, purchased for resale and resold to the Emerson Manufacturing Company, approximately 274 net tons of run of mine coal produced by Forks Coal Mining Company, a code member in District No. 1, at its Hughes No. 11 Mine, Mine Index No. 219, at \$2.20 per net ton, the applicable minimum f.o.b. mine price for said coal; and in said transaction accepted and retained a discount of 25 cents per net ton from said mine price, which discount was in excess of the maximum allowable discount of 12 cents per net ton prescribed by the Division in the Order of the Director issued in General Docket No. 12, on June 19, 1940, resulting in a violation by said distributor of paragraph (a) of his Agreement;

2. On or about January 9, 1941, purchased for resale and resold to Tilton Worsted Mills, Tilton, New Hampshire, approximately 54.15 net tons of run of mine coal produced by J. Bruce Anderson, an individual doing business as Helen Jennings Coal Company, a code member producer at his Helen Jennings Mine, Mine Index No. 660, located in District No. 1, whereas minimum prices, temporary or final, had not been established by the Division for said coal, thereby participating in a violation by said code member of the order issued in General Docket No. 19, on October 9, 1940, resulting in a violation by the said distributor of paragraph (e) of his Agreement;

3. During the period January 20, 1941, to February 25, 1941, both dates inclusive, purchased for resale and resold to said Tilton Worsted Mills, Tilton, New Hampshire, approximately 110 net tons of run of mine coal produced by said J. Bruce Anderson, at his aforesaid mine, at \$2.45 per net ton, the applicable minimum f. o. b. mine price for said coal, and in said transaction accepted and retained a discount of 17 cents per net ton from said minimum price, which discount was in excess of the maximum allowable discount of 12 cents per net ton prescribed by the Division in the Order of the Director issued in General Docket No. 12, on June 19, 1940, resulting in a violation of paragraph (a) of his Agreement;

4. On or about September 23, 1941, granted settlements or allowances of twenty-five (25) cents per net ton to Manchester Gas Company, Manchester, New Hampshire, and to Public Service Company, Manchester, New Hampshire,

on claims for alleged substandard preparation on the resale to said purchasers of approximately 486 net tons of 1¼" nut and slack coal produced by said J. Bruce Anderson, an individual doing business as Helen Jennings Coal Company, at his aforesaid mine, and purchased for resale by said Distributor from said code member, the granting of which settlements or allowances by said Distributor resulted in the resale of said coal to said purchasers at prices below the minimum therefor established by the Division in the Schedule of Effective Minimum Prices for District No. 1. For All Shipments Except Truck, as amended and supplemented by Order of the Director entered in Docket No. A-663, dated April 18, 1941, without complying with the provisions of section X of the Marketing Rules and Regulations, resulting in violations by said distributor of Rule 1, subparagraphs (a), (b), (c), and (d) of said section X, Section 4 Part II (e) of the Act, Part II (e) of the Code, and paragraphs (b), (e) and (f) of his Agreement;

5. In granting the settlements or allowances described in paragraph 4 hereof, (1) adjusted claims with said purchasers in said manner as to grant secret allowances, secret rebates or secret concessions, or other price discriminations; (2) granted adjustments, allowances, discounts, credits or refunds to said purchasers for the purposes or with the effect of altering retroactively prices agreed upon, in such manner as to create price discriminations, and (3) paid or allowed rebates, refunds, credits or unearned discounts, resulting in violations by said Distributor of Rules 2, 4, and 6, respectively, of section XIII of the Marketing Rules and Regulations, section 4 Part II (i) paragraphs 2, 4, and 6, respectively, of the Act, Part II (i) paragraphs 2, 4, and 6, respectively, of the Code, and paragraphs (c) and (e) of his Agreement;

6. Said distributor made deliveries after thirty (30) days after the effective dates of spot orders for coal purchased from C. A. Hughes & Company, Cresson, Pennsylvania, a code member, and New England Coal & Coke Company, a sub-sales agent for Koppers Coal Company, a code member;

7. That the discounts which said distributor unlawfully accepted and retained in the transaction set forth in paragraphs 1 to 4, inclusive, of the said Notice of and Order for Hearing issued in the above-entitled matter have been repaid to the code members from whom said Distributor purchased said coal for resale, as follows:

Code member	Net tonnage	Discount per ton	Discount repaid	Paragraph No. in notice
Forks Coal Mining Co.....	274	\$0.25	\$68.50	1
Helen Jennings Coal Co.....	54.15	.17	9.21	2
Helen Jennings Coal Co.....	110.00	.17	18.70	3
Helen Jennings Coal Co.....	486	.12	58.32	4
Total.....	924.15		154.73	

Now, therefore, upon the basis of the foregoing findings, and the said distributor's admissions, consents, and agreements contained in the said application as amended and supplemented and filed herein by said distributor, pursuant to said § 301.132;

It is ordered, That the said application, as amended, of the said distributor for the disposition of this compliance proceeding without formal hearing, be and the same hereby is, granted; and

It is further ordered, That the registration as a distributor of the said Lawrence H. Dowling, doing business as Dowling Coal Company, be, and the same hereby is, suspended for a period of sixty (60) days from the date of the service of this order upon said distributor; and

It is further ordered, That said distributor, his representatives, agents, servants, employees, and attorneys and all affiliates of the distributor and all representatives and agents or any thereof shall be and they are hereby prohibited from accepting from code members or their agents or representatives or retaining any discounts from the effective minimum prices either directly or indirectly on coal purchased or disposed of by him, them, or any of them during said period of suspension: *Provided, however*, That if the distributor shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five (5) days before the expiration of said period of suspension, said suspension shall continue in full force and effect until five (5) days after the affidavit required by § 304.15 shall have been filed with the Division; and

It is further ordered, That the effect of such suspension shall not be evaded directly or indirectly by the use of any device such as a sales agency agreement or any other devices, and such suspension shall not excuse the distributor from all duties and functions imposed upon him by the Act, the Code, and rules and regulations and orders thereunder; and

It is further ordered, That Lawrence H. Dowling, operating under his own name or under the name and style of Dowling Coal Company, his representatives, servants, agents, employees, attorneys, receivers, and successors, or assignees, and all persons acting or claiming to act on his behalf or in his interest, cease and desist, and they are permanently enjoined and restrained from violating the Bituminous Coal Act, the Bituminous Coal Code, and the rules and regulations thereunder and his said Agreement and that the provisions hereof shall continue in full force and effect with respect to Lawrence H. Dowling, operating under his own name or under the name and style of Dowling Coal Company, his representatives, servants, agents and employees, attorneys, receivers, successors or assigns and all persons acting or claiming to act on his behalf or in his interest upon any reinstatement of Lawrence H. Dowling as a registered distributor; and

It is further ordered, That the hearing in the above-entitled matter which has been heretofore postponed by an order

issued herein on June 25, 1942, to a time and place to be thereafter designated, be and the same hereby is, cancelled; and

It is further ordered, That the Division, upon any failure to comply with the restraining provision of this order, may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof, or take other appropriate action.

Dated: October 19, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-10624; Filed, October 21, 1942;
11:54 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective October 22, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any per-

son aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Aurora Corset Co., 603 South LaSalle St., Aurora, Illinois; Corsets; 10 learners (T); October 22, 1943.

Blauer Mfg. Co., Inc., 169 Bridge St., Cambridge, Massachusetts; Gabardine sportswear and rainwear; 5 learners (T); October 22, 1943.

Borman Sportswear, Inc., 21 East Main St., Johnstown, New York; Field jackets O. D., 5 percent (T); October 22, 1943.

A & L Brand, Inc., 55 Minor St., New Haven, Connecticut; Children's dresses; 10 percent (T); October 22, 1943.

Brand Bros., Inc., 55 Minor St., New Haven, Connecticut; Children's dresses; 5 learners (T); October 22, 1943.

Chic Mfg. Co., 1001 S. Adams St., Peoria, Illinois; Cotton wash dresses; 10 percent (T); October 22, 1943.

The Clifton Shirt Co., 129 W. 4th St., Cincinnati, Ohio; Uniform shirts; 4 learners (T); October 19, 1943. (This certificate effective October 19, 1942.)

Danville Sportswear Co., Inc., 328 Ferry St., Danville, Pennsylvania; Children's sportswear and beachwear; 10 percent (T); October 22, 1943.

Dunhill Shirt Co., 9th & Franklin Sts., Lexington, Missouri; Dress shirts, sport shirts and government shirts; 10 learners (E); April 22, 1943.

Dunn Mfg. Co., 211 N. 13th St., Philadelphia, Pennsylvania; Ladies' dresses and blouses; 10 learners (T); October 22, 1943.

Empress Frocks, Inc., 406 W. Market St., San Antonio, Texas; Ladies' sportswear and nurses' uniforms; 10 percent (T); October 22, 1943.

Flossie Dress Co., 795 Atlantic St., Stamford, Connecticut; Dresses; 10 percent (T); October 22, 1943.

Globe Pants Mfg. Co., 300 Plymouth Ave., Fall River, Massachusetts; Single pants; 6 learners; October 19, 1943. (This certificate effective October 19, 1942.) (T).

Harles & Co., 552 East Market St., Alliance, Ohio; Ladies' sport dresses and skirts; 10 percent (T); October 22, 1943.

The Hercules Trouser Co., Hillsboro, Ohio; Single pants of 100 percent cotton and other than 100 percent cotton; 10 percent (T); October 22, 1943.

Kaylon, Inc., 5 North Haven St., Baltimore, Maryland; Men's and ladies' pajamas; 10 percent (T); October 22, 1943.

S. Liebovitz & Sons, Inc., East Seminary St., Mercersburg, Pennsylvania; Men's army shirts; 10 percent (T); October 22, 1943.

R. Lowenbaum Mfg. Co., East Broadway, Sparta, Illinois; Dresses and mattress covers; 10 percent (T); October 22, 1943.

MacSmith Garment Co., Inc., 28th St., Gulfport, Mississippi; Men's cotton dress

shirts; O. D. Flannel army shirts; 10 percent (T); October 22, 1943.

Milberg & Milberg, Inc., Diller Ave., New Holland, Pennsylvania; Ladies' slips and gowns; 10 percent (T); October 22, 1943.

M. Nirenberg Sons, Inc., 750 Second Ave., Troy, New York; Men's shirts; 10 percent (T); October 22, 1943.

Oshkosh B'Gosh, Inc., 33 Otter St., Oshkosh, Wisconsin; Overalls, overall jackets, work pants and cotton jeans; 5 percent (T); October 22, 1943.

Penn Sportswear Corp., 1010 Chestnut St., Allentown, Pennsylvania; Dresses; 10 learners (T); October 22, 1943.

Perfect Brassiere Co., Inc., 521 E. 4th St., Bethlehem, Pennsylvania; Brasieres; 10 learners (T); October 22, 1943.

Perfection Garment Co., Inc., Charlestown, West Virginia; Ladies' & junior miss cotton wash dresses; 10 percent (T); October 22, 1943.

Perfection Garment Co., Inc., West John St., Martinsburg, West Virginia; Ladies' & junior miss cotton wash dresses; 10 percent (T); October 22, 1943.

The Red Lion Mfg. Co., 224-236 First Ave., Red Lion, Pennsylvania; Ladies' sportswear, ladies' and men's pajamas, children's dresses; 10 percent (T); October 22, 1943.

Rice-Stix Factory #25, First & South A Sts., Farmington, Missouri; Men's shirts; 10 percent (T); October 22, 1943.

Rice-Stix Factory #5, St. James, Missouri; Ladies' cotton dresses and slacks; 10 percent (T); October 22, 1943.

Rice-Stix Factory #15, Lebanon, Missouri; Overalls and jumpers, single pants and play suits; 10 percent (T); October 22, 1943.

Rice-Stix Factory #10, 10 N. Division St., Bonne Terre, Missouri; Men's and boys' shirts; 10 percent (T); October 22, 1943.

Rock Run Mills, Goshen, Indiana; Infants' wear and rainwear; 10 learners (T); October 22, 1943.

Sackman Bros. Co., 3rd St., Telford, Pennsylvania; Children's playsuits; 10 percent (T); October 22, 1943.

Shippensburg Pants Co., Inc., 24 E. Burd St., Shippensburg, Pennsylvania; Single pants; 10 percent (T); October 22, 1943.

J. H. Stern Garment Co., Seven Valleys, Pennsylvania; Children's dresses; 5 learners (T); October 22, 1943.

Stoughton Garment Mfg. Co., 20 Perry St., Stoughton, Massachusetts; Men's gabardine coats; 3 learners (T); October 22, 1943.

United Shirt & Blouse Co., Inc., 84 Center St., Shelton, Connecticut; Men's and ladies' shirts; 10 learners (T); October 22, 1943.

Glove Industry

Amsterdam Glove Corp., 96 Guy Park Ave., Amsterdam, New York; Leather dress and work gloves; 10 learners (T); October 22, 1943.

The Boss Mfg. Co., Bluffton, Ohio; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 1512 Fairfield Ave., Fort Wayne, Indiana; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 3012 S. Adams St., Peoria, Illinois; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 701-3-5 Broadway, Kansas City, Missouri; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 70 Washington St., Brooklyn, New York; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 901 Hawley St., Toledo, Ohio; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 100-116 Walnut St., Peoria, Illinois; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 320 Ballard St., Lebanon, Indiana; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 107 N. Boss St., Kewanee, Illinois; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 319 West Main Cross, Findlay, Ohio; Work gloves; 5 percent (T); October 22, 1943.

Leon F. Swears, 111-113 N. Perry St., Johnstown, New York; Knit wool gloves; 10 percent (T); October 22, 1943.

Hosiery Industry

Chalfont Hosiery Mills, Chalfont, Pennsylvania; Full-fashioned hosiery; 5 percent (T); October 22, 1943.

Dover Hosiery Mills, Inc., Wyoming, Delaware; Full-fashioned hosiery; 5 learners (T); October 22, 1943.

Infants Socks, Inc., 235 Superior St., Fond du Lac, Wisconsin; Seamless hosiery; 5 percent (T); October 22, 1943.

Morristown Knitting Mills, Inc., White Pine, Tennessee; Seamless hosiery; 5 percent (T); October 22, 1943.

Morristown Knitting Mills, Inc., Morristown, Tennessee; Seamless hosiery; 5 percent (T); October 22, 1943.

Peerless Mills, Inc., Anthony St., Burlington, North Carolina; Seamless hosiery; 5 learners (T); October 22, 1943.

Staley Hosiery Mill Co., Staley, North Carolina; Seamless hosiery; 4 learners (T); October 22, 1943.

Waldensian Hosiery Mills, Inc., Valdesa, North Carolina; Full-fashioned and seamless hosiery; 5 percent (T); October 22, 1943.

Signed at New York, N. Y., this 20th day of October 1942.

PAULINE C. GILBERT,
Authorized Representative of
the Administrator.

[F. R. Doc. 42-10608; Filed, October 21, 1942;
11:03 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5972]

JOE L. SMITH, JR.

ORDER GRANTING PETITION, ETC.

In re Application of Joe L. Smith, Jr. (WJLS), Beckley, West Virginia; for construction permit.

The Commission having under consideration the petition of WFIL Broadcasting Company for leave to intervene and to enlarge the issues in the hearing on the above-entitled application;

It is ordered, This 14th day of October, 1942, that the petition be, and the same is hereby, granted; and

It is further ordered, That hearing issues numbers two and three on the above-entitled application be, and the same are hereby, amended to read as follows:

2. To determine the extent of any interference which would result from the simultaneous operation of Station WJLS as proposed herein and Stations WCHS and WFIL.

3. To determine the areas and populations which may be expected to lose primary service particularly from Stations WCHS and WFIL, should Station WJLS operate as proposed herein and what other broadcast service is available to these areas and populations.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10607; Filed, October 21, 1942;
10:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-579]

TRI-CITY UTILITIES CO. AND ASSOCIATED
ELECTRIC CO.

ORDER POSTPONING HEARING AND DESIGNATING
NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of October 1942.

Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a wholly-owned subsidiary thereof, having filed a declaration and application pursuant to the Public Utility Holding Company Act of 1935 with respect to the reduction by Tri-City Utilities Company of its capital stock from time to time through the purchase and retirement of its common stock at its par value, to the extent of funds which become available to Tri-City Utilities Company from the sale of properties or other assets; and

The Commission having ordered that a hearing on such matter be held on September 1, 1942, at 10 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and the Commission having postponed said hearing various times at the request of the Tennessee Railroad and Public Utilities Commission and certain other interested parties, the last of said postponements having been to October 20, 1942; and

The Tennessee Railroad and Public Utilities Commission having requested that the hearing in this matter be further postponed until after December 2, 1942; and applicants-declarants having objected to any further postponement, and the Commission having considered the matter, and it appearing appropriate that a postponement of the hearing should be made to November 9, 1942;

The trial examiner heretofore designated to preside at such hearing not being able to preside at the postponed hearing;

It is ordered, That the hearing in this matter, previously scheduled for October 20, 1942, be and hereby is postponed to November 9, 1942, at the same time and place as heretofore designated.

It is further ordered, That Willis E. Monty, an officer of the Commission, be, and hereby is, designated to preside at such hearing in the place and stead of, and with the same powers and duties, as the trial examiner heretofore designated to preside at such hearing.

It is further ordered, That at the outset of said hearing there be considered the question of whether any further postponements or continuances of the hearing will be appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-10591; Filed, October 20, 1942;
2:57 p. m.]

[File No. 1-2285]

REORGANIZED WILSON MINING CO.

FINDINGS AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of October, A. D. 1942.

In the matter of proceedings under section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether the registration of Reorganized Wilson Mining Company, Assessable Common Stock, 10¢ par value should be suspended or withdrawn.

Appearances: Arthur J. Berggren, of the San Francisco Regional Office, for the Corporation Finance Division of the Commission.

Reorganized Wilson Mining Company, a corporation organized under the laws of the State of Nevada, is the issuer of 10¢ par value, assessable common stock, which is listed and registered on the San Francisco Mining Exchange, a national securities exchange.

By order dated August 12, 1942, the Commission instituted this proceeding pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration and listing of this assessable common stock. The order set forth as the issues to be determined at the hearing:

(1) Whether the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules thereunder in failing to file its annual report for the fiscal year ended December 31, 1941; and
(2) If so, whether it is necessary or appropriate for the protection of investors to suspend, or to withdraw, the registration of its assessable common stock.

After appropriate notice to the registrant, the San Francisco Mining Exchange, and the public, a hearing was held before a trial examiner in San Francisco, California. The trial examiner filed an advisory report in which he found that, in contravention of section 13 (a) of the

Act and the Commission's rules thereunder, the registrant failed to file its annual report for the fiscal year ended December 31, 1941.¹ No exceptions to the trial examiner's report have been filed, and no objection to the withdrawal of listing and registration has been made either by the registrant or the San Francisco Mining Exchange. Upon an independent review of the record, we adopt the aforementioned report of the trial examiner as being in accord with the record.

We find that the registrant has failed to comply with the statute and the rules thereunder in the respects noted above and that it is necessary and appropriate for the protection of investors that the listing be withdrawn. Cf. *North European Oil Corporation*, 9 S. E. C. — (1941), Securities Exchange Act Release No. 2987.

Accordingly, it is ordered, That the listing and registration of the assessable common stock, 10¢ par value, of Reorganized Wilson Mining Company on the San Francisco Mining Exchange, a national securities exchange, be, and it hereby is, withdrawn.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-10592; Filed, October 20, 1942;
2:57 p. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC CO., ET AL.

AMENDED NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of October 1942.

In the matter of Associated Electric Company, Metropolitan Edison Company, and Staten Island Edison Corporation.

Associated Electric Company, a registered holding company; Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company, having filed declarations or applications (or both) wherein it was proposed that Associated Electric Company acquire \$2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of \$955,460, plus accrued interest, the consideration being determined upon the basis of 43% of principal amount; and that Associated

¹ Under Rule X-13A-1, the registrant is required to file its annual reports not more than 120 days after the close of its fiscal year, which in this case was December 31, 1941. The Commission granted an extension of time to June 30, 1942, but no report has yet been filed. It appears that the company is in a dormant state and that there is no intention to file the report. The record also indicates that there was no trading in the stock on the San Francisco Mining Exchange in 1941, or in 1942 up to the date of the hearing.

Electric Company acquire \$3,602,000 principal amount of its own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of \$1,548,860, plus accrued interest, the consideration also being determined upon the basis of 43% of principal amount; and

The Commission having on October 16, 1942, issued its Notice Regarding Filing Subject to Rule U-23, wherein notice was given that any interested person might, not later than November 5, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matters stating the reasons for such request and the nature of his interest, or might request that he be notified if the Commission should order a hearing thereon; and

Applicants-declarants having requested that the time in which interested persons might ask that a hearing be held be advanced to not later than October 30, 1942; and

The Commission, deeming it advisable that said date be advanced to October 30, 1942;

It is hereby ordered, That the Notice Regarding Filing Subject to Rule U-23, issued October 16, 1942, be and is hereby amended, so that any person interested in the applications-declarations may, not later than October 30, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At such time, or thereafter, such declarations or applications, as filed or as amended, may become effective or may be granted.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-10610; Filed, October 21, 1942;
11:06 a. m.]

[File No. 70-616]

COLUMBIA GAS & ELECTRIC CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 20th day of October, 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than October 29, 1942 at 5:30 p. m. E. W. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and

Rule U-100 thereof. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, proposes to sell to Columbia Oil & Gasoline Corporation, a subsidiary of Columbia Gas & Electric Corporation, \$300,000 face amount of Columbia Oil & Gasoline Corporation's Twenty-year Debentures for \$312,000 plus accrued interest, such amount being the redemption price specified in the indenture securing such debentures; the debentures so acquired by Columbia Oil & Gasoline Corporation are to be tendered to City Bank Farmers Trust Company, Trustee, under the indenture, for cancellation and retirement in lieu of the semi-annual cash sinking fund payment required under the provisions of said indenture.

Section 12 (d) of the Act, and Rule U-43 of the Rules and Regulations of the Commission issued thereunder have been designated as applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-10611; Filed, October 21, 1942;
11:06 a. m.]

[File No. 1-3054]

DURHAM MANUFACTURING CO.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of October, A. D. 1942.

In the matter of Durham Manufacturing Company Common Stock, \$1 Par Value.

The Durham Manufacturing Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, \$1 Par Value, from listing and registration on the Detroit Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 29, 1942.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-10613; Filed, October 21, 1942;
11:06 a. m.]

[File Nos. 70-549, 70-551, 70-563, 70-602,
70-604]

ASSOCIATED ELECTRIC CO., ET AL.

ORDER POSTPONING DATE OF HEARING AND
DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of October 1942.

In the matter of Associated Electric Company, File No. 70-549; NY PA NJ Utilities Company, File No. 70-551; Pennsylvania Electric Company, Keystone Public Service Company, Penelec Water Company, Associated Electric Company, File No. 70-563; Pennsylvania Electric Company, Bradford Electric Company, Associated Electric Company, File No. 70-602; and NY PA NJ Utilities Company, File No. 70-604.

Associated Electric Company, a registered holding company, NY PA NJ Utilities Company, a registered holding company, Pennsylvania Electric Company, Penelec Water Company, Keystone Pub-

lic Service Company, and Bradford Electric Company, subsidiaries of registered holding companies, having filed declarations and applications in connection with various transactions, more fully set out in the Commission's order, dated October 1, 1942, and including the acquisition of the securities and assets of Keystone Public Service Company and of Bradford Electric Company by Associated Electric Company and Pennsylvania Electric Company from NY PA NJ Utilities Company and the acquisition of a portion of the facilities of Penelec Water Company by Pennsylvania Electric Company, and with respect to other related transactions; and

The Commission, on October 1, 1942, having ordered that a hearing on such matters be held on October 21, 1942, at 10 a. m. E. W. T., at the offices of the Securities and Exchange Commission, Philadelphia, Pennsylvania; and

The applicants-declarants having requested that such hearing be postponed; and it appearing appropriate to the Com-

mission that said request be granted; and

The trial examiner heretofore designated to preside at such hearing not being able to preside at the postponed date;

It is ordered, That the date of the hearing in these matters be, and hereby is, postponed to October 29, 1942, at 10 a. m. E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room to be designated on said day by the hearing room clerk in room 318.

It is further ordered, That William W. Swift, an officer of the Commission, be, and hereby is, designated to preside at such hearing in the place and stead of, and with the same powers and duties, as the trial examiner heretofore designated to preside at such hearing.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-10612; Filed, October 21, 1942;
11:07 a. m.]

